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THE
VACCINATION ACTS;

AND
INSTRUCTIONAL CIRCULARS, ORDERS,
AND REGULATIONS:

WITH
INTRODUCTION, NOTES, AND INDEX.

BY DANBY P. FRY, ESQ.

OF LINCOLN'S INN, BARRISTER-AT-LAW, AND OF THE POOR LAW BOARD.

Fourth Edition.



LONDON:
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INTRODUCTION.

THE first Vaccination Act, passed in 1840 (3 & 4 Vict. c. 29), and amended in 1841 by 4 & 5 Vict. c. 32, while it provided the means of vaccination, at the public cost, for every person in England and Wales, left it entirely at the option of every person whether he would resort to the public vaccinator for this purpose or not; it being expressly provided, however, that, if he did so, he should not be thereby pauperised.

The arrangements made in pursuance of those Acts, by the Guardians and Overseers of the Poor throughout the country, under the supervision of the Poor Law Commissioners, and afterwards of the Poor Law Board, are believed to have been fully sufficient for the object which they had in view; but, although ample opportunity for gratuitous vaccination was thus afforded, and although the public availed themselves of it to a large extent, the Legislature nevertheless considered it desirable, in 1853, to make further provision on the subject.

The Vaccination Extension Act of that year (16 & 17 Vict. c. 100), founded on a Bill which was introduced by Lord Lyttelton into the House of Lords, adopted the new and important principle (new, at least, in this country) of rendering the practice of vaccination compulsory. The Bill encountered some opposition out of doors with respect to its fundamental principle, as well as its details; but that principle ultimately received the concurrence and confirmation of the Legislature, and the details of the measure having been subjected to revision, the Act was passed, and received the Royal

Assent on the 20th of August 1853. It is not necessary here to discuss or explain the grounds on which it was deemed advisable that the vaccination of all infants within a few months of their birth should be prescribed by law and enforced by penalties; but those who wish for information on that subject may be referred to the Report of the Epidemiological Society, which was laid before the House of Commons during the progress of the Bill.*

It may be observed that that Act did not repeal the Acts of 1840 and 1841 (3 & 4 Vict. c. 29, and 4 & 5 Vict. c. 32), by which a machinery was established for providing, at the cost of the poor rates, but not as parochial relief, the means of public vaccination for all those who might be disposed to avail themselves of it. On the contrary, it left that machinery in full force, and addressed itself mainly to such provisions as were necessary for ensuring, on the one hand, that the children should be brought to the medical practitioners to be vaccinated; and, on the other hand, that the medical practitioners should duly perform the operation. The first section enjoined the Guardians and Overseers of the poor forthwith to revise the existing arrangements, if necessary, and from time to time to take the most effectual means for making their arrangements on this subject publicly known. The sixth section also contained a special provision with respect to the remuneration of the medical practitioners.

According to the scheme of the Act of 1853, the parent (or guardian) of every child born after the 1st August 1853, was required, under a penalty not exceeding 20s., to take such child (unless otherwise vaccinated) within three (or four) months after birth, to the public

* House of Commons, Sess. Papers, No. 434, 3 May 1853.

vaccinator of the district, who was thereupon required to vaccinate such child, unless the child were unfit, and to give a certificate of such unfitness, or of the vaccination (whether successful or unsuccessful), as the case might be. For this latter purpose the child was to be taken to the vaccinator for inspection on the eighth day after vaccination: under a penalty of 20s. for neglect. The certificate of unfitness was to be renewed every two months, so long as the unfitness might last.

Where the vaccination was successful, a duplicate certificate was to be sent by the vaccinator to the Registrar of Births and Deaths for the sub-district in which the operation was performed, who was to keep a register of all such certificates for future reference, receiving the fees specified in the Statute for every entry, search, or extract. The Registrar was also to give notice to the parent (or guardian) of every unvaccinated child, within seven days after the registration of the birth, as to the requirements of the Act.

It may be added that the Registrar-General was to furnish books, forms, and regulations, for carrying the Act into effect: (s. 11; see also 21 Vict. c. 25, s. 7).

In 1858 a further important step was taken by the Legislature in conferring on the Privy Council certain powers for promoting and superintending the execution of the Vaccination Acts. By 21 & 22 Vict. c. 97, passed on 2d August 1858, the powers of the General Board of Health, which expired in that year, were transferred to the Privy Council; and the Council were further empowered to issue regulations "for securing the due qualification of persons to be thereafter contracted with by Guardians and Overseers of unions and parishes in England for the vaccination of persons resident in such unions and parishes, and for securing the

efficient performance of vaccination by the persons already or thereafter to be contracted with as aforesaid." Any money provided by Parliament for the expenses of the National Vaccine Establishment, or otherwise for the supply of vaccine lymph, was to be applied under the directions of the Privy Council; who might make inquiries from time to time as to matters concerning the public health, and as to the observance of their regulations and directions.

The Privy Council were also authorised to appoint a medical officer, at a salary not exceeding 1500*l.* a year, who was to report to them from time to time on any special matters, and likewise to make an annual report of a general character, which was to be laid before Parliament.

This Act was passed for one year only; but in the following year it was made perpetual by the 22 & 23 Vict. c. 3, which was passed on 1st August 1859.

The Act of 1858, however, contained a clause (sect. 8) with respect to the institution of legal proceedings under the Vaccination Acts, which was repealed, or rather was allowed to expire, when the rest of the Act was made perpetual by 22 & 23 Vict. c. 3. In consequence of the abrogation of that clause, no specific provision existed on this point for the next two years; but in 1861, an Act (24 & 25 Vict. c. 59) was passed, "to facilitate proceedings before justices under the Acts relating to Vaccination," by which the Guardians (or Overseers) were empowered to appoint some person to conduct such proceedings, and were required to pay the costs out of the poor rates, on the certificate of the justices, or court, before whom the proceedings might be taken, whether such proceedings were instituted by the person so appointed, or by any registrar of births and

deaths, or by any medical officer of health appointed under an Act of Parliament.

Shortly after the passing of the first Act (3 & 4 Vict. c. 29), the Poor Law Commissioners issued a circular to the several Boards of Guardians, dated 20th August 1840, calling the attention of the Guardians to the provisions of the Act, and the steps to be taken to carry them into execution. This circular was accompanied by a "Form of Notification in respect to the extension of Vaccination," and by a copy of a Minute of the Poor Law Commissioners "with respect to the preparation of Contracts for the extension of Vaccination," in which a form of contract was suggested. These documents will be found in the Appendix to the Seventh Annual Report of the Poor Law Commissioners (1841), pp. 144-161; and in their Official Circular, issued 1st September 1840, pp. 81-92. The form of contract above alluded to was superseded by the General Order issued by the Poor Law Board, on 30th November 1853, in consequence of the passing of the Act 16 & 17 Vict. c. 100.

In the course of the same year (1840), the Poor Law Commissioners also issued several circulars and minutes on points arising out of the operation of the first Act (3 & 4 Vict. c. 29), which will likewise be found in the Appendix to the abovementioned Report, pp. 161-169; (see also the Official Circular, issued 10th November 1840, pp. 122-128). These related chiefly to the mode of paying and charging the expenses; the mode of dealing with the then existing medical contracts; the persons to be comprised in the respective districts; the question whether vaccination was to be considered as relief; the question whether the payments for vaccination were to be made out of the poor rates; and with reference to the contracts for vaccination, some further

considerations as to the number of attendances, and as to the stations.

In the same Report (pp. 39-43), the Commissioners gave an account of the proceedings under the Act, up to the date of the Report, viz. 1st May 1841; and observations on the same subject will be found in their subsequent Reports, as well as in the Reports of the Poor Law Board. The last Annual Report of the Poor Law Commissioners was the fourteenth, dated December 1847; and the Poor Law Board made their first Report in December 1848. See also the Official Circular, 6th February 1841, pp. 145-147, and June 1848, pp. 254-256.

In 1853, after the passing of the Act 16 & 17 Vict. c. 100, which rendered vaccination compulsory, the Poor Law Board took certain steps, which are described in their Sixth Annual Report, pp. 10-12, in the following passage:—

“The other Act, namely the 16 & 17 Vict. c. 100, relating to vaccination, has also proved of much importance, and has required and received much of our attention during the latter part of the year.

In 1840, the Act 3 & 4 Vict. c. 29 was passed, which, with the view of extending the practice of vaccination, required Boards of Guardians in unions and parishes, and Overseers of parishes where there were no Guardians, to contract with their medical officers or with some medical practitioners for the performance of the operation of vaccination upon such poor persons as were brought to them for the purpose, and the regulations were placed under the control of the Poor Law Commissioners. This was the first legislative enactment upon the subject.

The earliest proceedings of the Commissioners to carry into effect this enactment, which was slightly amended by an Act in the subsequent year (4 & 5 Vict. c. 32), were detailed in

their Seventh Annual Report, and the measures adopted by Boards of Guardians to give effect to the Act have been shown in each successive report of the Board.

The Legislature during the last session rendered the vaccination of infants compulsory upon their parents, and the statute 16 & 17 Vict. c. 100 imposed penalties upon parents, and others having the care, nurture or custody of infants, who neglect to cause such infants to be vaccinated within a few months after their birth. It also imposes some further provisions and obligations upon Boards of Guardians to secure means whereby the poor may more readily obtain the performance of this operation.

The Act requires that certain amounts of remuneration shall be paid as minimum rates in the cases of all contracts entered into after its date. It is also rendered necessary that the fact of the successful vaccination of a child shall be registered by the public registrar, in like manner as the birth is registered under the Registration Acts. For such registration a fee is to be paid as the fee for registering the birth is paid, which it will be remembered is a charge upon the poor rate.

We issued a circular letter, dated the 6th of September last, to all Boards of Guardians, in which we brought under their notice those provisions of the statute which particularly related to them, and we have been engaged for several months in correspondence with the Guardians in reference to the alterations in the previous arrangements and contracts which the new Act has rendered necessary.

The Poor Law Commissioners after the passing of the 3 & 4 Vict. c. 29, framed a form of contract for the use of such Boards of Guardians as deemed it right to provide contracts in writing with the medical officer or medical practitioner who engaged to vaccinate in their unions or parishes, and the Commissioners issued an order addressed to the several unions embodying the form of such contract.

It became apparent that new contracts to be entered into under the Act of last session would not be quite consistent with those which had been prescribed by the Poor Law Commissioners.

We therefore considered it advisable to frame a new form of contract to be adopted hereafter, and, having done so, issued a general order to all unions in which the former orders prescribing the forms of the contract were rescinded, and the new form of contract substituted, a power being reserved for modifying the same in particular cases. This order is dated 30th November 1853. We have in preparation a similar general order for parishes under Boards of Guardians.

It was apparently intended by the Legislature that the vaccination districts should correspond with the registration sub-districts; and the Registrar-General having called our attention to this point, we addressed a letter, dated October 29th, to the Boards of Guardians, in which we communicated his suggestions, and recommended the Guardians, as far as they could, to make their new arrangements for vaccination correspond with those previously established for registration. We regret to state that, although this result was obtained in some few instances, it has been found to be for the most part unattainable.

The information which has reached us from various quarters leads us to believe that a very great number of persons have been vaccinated during the latter half of the year."

In the year 1853, also, Instructional Circulars, dated 29th September and 4th October, were addressed by the Registrar-General to the Registrars of Births and Deaths, on the subject of the Act 16 & 17 Vict. c. 100.

In pursuance of the powers conferred on the Privy Council in relation to this matter, by the Acts of 1858 and 1859, the Council, on the 1st December 1859, issued regulations relating to the qualification of contractors and their deputies, the performance and inspection of vaccination, and the registry of the cases; together with instructions to vaccinators.

Some of the provisions in the Act of 1840 (3 & 4 Vict. c. 29), referred to Ireland; but those provisions,

so far as regards the vaccination contracts, were virtually repealed in 1851, by the 14 & 15 Vict. c. 68, s. 13; and further provisions have since been made by the 21 & 22 Vict. c. 64, passed in 1858, and by 26 & 27 Vict. c. 52, passed in 1863. The last-named Act rendered vaccination compulsory in Ireland; and in the same session another Act was passed (26 & 27 Vict. c. 108), to render it compulsory in Scotland. The present volume, however, is not intended to deal with the subject in reference to those countries, but is confined to England and Wales.

The working of the Act of 1853 not being found to be entirely satisfactory, the attention of the Government was called to the subject by a memorial addressed to the General Board of Health by the Epidemiological Society in 1855 ("on a State Provision for the Prevention of Small-pox and extension of Vaccination: ordered by the House of Commons to be printed, 1st March 1855"); and, in 1856, an inquiry was instituted under the direction of the General Board of Health, the result of which was communicated to Parliament in 1857, accompanied by an introductory report by Mr. Simon, the medical officer of the Board, which has been justly described by Mr. Bruce (*post*, p. 14) as "the standard work on this subject."

Much valuable information as to the working of the law was also contained in the Annual Reports of the Medical Officer of the Privy Council; and eventually the subject was again brought under the attention of the Legislature.

On the 22nd February 1866, Mr. Bruce, then Vice-President of the Committee of the Privy Council on Education, and consequently authorized to act in relation to the public health (see 21 & 22 Vict. c. 97, s. 7),

introduced into the House of Commons, on behalf of the Government, a Bill "to consolidate and amend the Statutes relating to Vaccination in England," which was read a second time, without debate, on the 8th of March, but was referred, on the 11th of April, after considerable discussion, to a Select Committee.—(See *Hansard*, 3rd series, vol. clxxxii, 1093–1113). The Select Committee reported on the 1st June; but on the 26th of June the Ministry resigned. Mr. Corry succeeded Mr. Bruce; and, on the 23rd July, he withdrew the Vaccination Bill, observing that he did so because "he had ascertained from hon. gentlemen on both sides of the House that the measure was likely to meet with great opposition, and it was therefore very doubtful whether it could be carried through Parliament at so late a period of the session. Moreover, in the opinion of his noble friend the President of the Council, as well as of his right hon. friend the Home Secretary, some of its provisions required further and careful consideration."—(*Hansard*). On the next night, in the House of Lords, the President of the Council (the Duke of Buckingham), in reply to a question from Lord Shaftesbury, stated that the Bill had been withdrawn, "because, from the numerous objections raised to it, there was no hope of passing it during the present session." He added that "it would, however, receive the attention of the Government during the recess, and they hoped to be able next session to introduce a satisfactory measure."—(*Hansard*).

Accordingly, in the following session, on 30th April 1867, a Bill was introduced by Lord Robert Montagu, who was then the Vice-President of the Committee of Council on Education. Having passed through the House of Commons, after undergoing some alterations

in committee, it was sent up to the House of Lords on the 28th of June, and there referred to a select committee. The amendments made by their lordships having been agreed to by the House of Commons, the Bill received the Royal Assent on 12th August 1867.

On the introduction of the first Bill in 1866, Mr. Bruce (on going into Committee, 11th April 1866, see *Hansard*) gave the following sketch of the history of vaccination, and the legislation respecting it:—

“The first attempt to deal with the enormous evils of small pox was made by Lady Mary Wortley Montagu in 1718. Inoculation was first tried on seven condemned criminals; and the result being satisfactory, in 1722, two of the Royal Family were, by the order of King George I, inoculated. Its success being placed beyond all doubt, inoculation for some time became very popular; but it was discovered that every inoculated person while labouring under the disease was himself the centre of infection, and Sir Gilbert Blane calculated that the effect of inoculation had been to raise the per centage of deaths in small pox from 74 to 92 per cent. per thousand of the total mortality. But at the close of last century, Dr. Jenner made his immortal discovery, by which, perhaps, more misery had been prevented by the alleviation of pain and the preservation of life than by any other discovery that had ever been made. In 1802, a committee was moved for in that House to inquire into the value of Jenner’s discovery. They made a report, in which they expressed a very strong opinion of its merits. In 1806, Lord Lansdowne, being then Chancellor of the Exchequer, moved an Address to His Majesty, praying that the College of Physicians might be requested to make further inquiries. They took twelve

months to do so. They consulted all the chief medical bodies of Scotland, England, and Ireland, and presented a most able report, to the effect that the discovery was a most valuable one, that it might be safely applied, that its effects were wholly advantageous, and in no respect injurious. In 1808, the first action of Parliament was taken. The National Vaccine Establishment was founded, and the sum of £2,000 a year had from that day to this been voted to it. Nothing further was done by Parliament, the matter being left to voluntary agency, till 1840, when then the 3 & 4 Vict. was passed, which made vaccination optional, and authorized the payment of the public vaccinator by the board of guardians. That continued, with what effects he would proceed to describe, up to 1853, when the present legislation came in force. The compulsory Act of 1853 was introduced, not by Her Majesty's Government, but by Lord Lyttelton. It was carried through the House of Lords without a division; and was introduced here by the right hon. baronet the member for Droitwich (Sir John Pakington). Again, it was carried without a division, and had been the law of the land ever since. From time to time, since the passing of the Act, there had been occasional protests against it, not proceeding from any public body, but from individuals who objected on principle to vaccination. Then came the inquiries which were instituted by Sir Benjamin Hall. He directed a report to be prepared by Mr. Simon, whose work was the standard work on this subject—a work conveying the fullest instruction in a most interesting form. Mr. Simon had in 1856 referred four questions to all the medical societies in Europe, to all the principal foreign governments, and to 542 physicians of different countries, selected on

account of their known eminence and experience. With the permission of the House, he would read these questions and answers. The first question was this—

‘Have you any doubt that successful vaccination confers on persons subject to its influence a very large exemption from attacks of small pox, and almost absolute security against death by that disease?’

Their answers to that question 540 were distinct in, having no doubt. One distrusted vaccination, but would gladly inoculate his own children with small pox. The other (Dr. Hamernik, of Prague) regarded both inoculation and vaccination at best but harmless trifling. The second question was—

‘Have you any reason to believe or suspect that vaccinated persons, in being rendered less susceptible of small pox, become more susceptible of any other infective disease or of phthisis, or that their health is in any other way disadvantageously affected?’

In reply to this, not one maintained that any injury arose from vaccination properly administered. Mr. Stone gave the following statistics of Christ’s Hospital for more than a hundred years:—Average of boys during first fifty years, 550; during last fifty years, 800. In the first period, during which none were vaccinated, there were thirty-one deaths from small pox. In the last period, from 1801 to 1850, in which all were vaccinated, only one had died of small pox. The annual death rate from other diseases in hospital had greatly diminished. The third question was—

‘Have you any reason to believe or suspect that lymph from a true Jennerian vesicle has ever been a vehicle of syphilitic, scrofulous or other constitutional infection to the vaccinated person, or that unintentional inoculation with some other disease, instead of the proposed vaccination, has

occurred in the hands of a duly educated medical practitioner?’

To this all but a very few answered in the negative. The fourth question was—

‘Do you (assuming due provisions to exist for a skilful performance of the operation) recommend that, except for special reasons in individual cases, vaccination should be universally performed at early periods of life?’

All but two were favourable. He thought the House would see this inquiry was as exhaustive and complete as ingenuity could devise. But what had been the effect on the public health? Sir Gilbert Blane had stated that, so far as could be ascertained, the average annual death rate in small pox in England and Wales during thirty years previous to the introduction of vaccination was 3,000 per million of the population. The average of three years (1838 to 1840), when vaccination had become to a great extent diffused, but before any public provision was made for its gratuitous performance, was 770. The average of nine of the years (1841 to 1853) when public vaccination was gratuitously provided, but vaccination was not obligatory, was 304 per million. The average of the ten years (1854 to 1863) during which vaccination had been to a certain extent obligatory, was 171; and if the last year for which returns had been made were included, the rate, instead of 171, would be 190 per million. One reason for these inquiries was the alarming increase which had taken place during the last few years in the deaths by small pox in England and Wales. In 1861 the number of deaths had fallen to 1320, but rose in 1863 to 5,964, and in 1864 to 7,684. The House must recollect that these deaths by no means represented the evil inflicted on society by this dreadful scourge. A distinguished

French physician, M. de la Condamine, in 1756, calculated that about one-fourth of the human race were suffering more or less from the effects of small pox, which showed themselves in blindness and deafness, entire or partial, scrofula, and other terrible forms of disease. With respect to the mortality among the vaccinated and unvaccinated, the evidence was very complete. Perhaps the most capable witness on this point was Mr. Marson, for very many years in charge of the Small-pox Hospital. Mr. Marson stated his conclusion, the result of 15,000 cases, in these words—

‘That the fatality of small pox, when it attacks the unvaccinated, is 350 per 1,000; that its fatality to such vaccinated persons as it infects is, taking them indiscriminately, 70 per 1,000; but, distinguishing vaccinated persons into two classes, those (1) who have been vaccinated in the best known manner, and those (2) who have been badly vaccinated, the fatality of small pox, if it infects the former, will be 5 per 1,000; if it infects the latter, 150 per 1,000; that the risk of the one will be thirty times the risk of the other.’

Or, to state it differently, if attacked by small pox, one in three unvaccinated would die; one in seven imperfectly vaccinated; while only one in 200 would die if well vaccinated. But Mr. Marson’s observations do far more than establish in a general way, in concurrence with others, the modifying power of vaccination. They have a merit peculiarly their own. They show conclusively that the degree of modifying power is in the exact ratio of the excellence and completeness of the vaccination as shown by the cicatrices; in other words, that it was directly as the amount of vaccine-marking and as the character of the marks. The following would show this at a glance better than any detailed statement:—

‘Number of deaths per cent. in each class respectively—
1. Unvaccinated, 37. 2. Stated to have been vaccinated,
but having no cicatrix, 23·57. 3. Vaccinated—having one
vaccine cicatrix, 7·73; having two vaccine cicatrices, 4·70;
having three vaccine cicatrices, 1·95; having four or more
vaccine cicatrices, 0·55; having well-marked cicatrices, 2·52;
having badly-marked cicatrices, 8·82. 4. Having previously
had small pox, 19.’

He thought those facts—and the examinations throughout Europe, very carefully conducted, had been attended by similar results—would establish, not only the immense security which vaccination afforded against small pox, but that, if rendered complete, the security would be still greater; and, therefore, it was the duty of the House to provide for the full advantages of a thoroughly effective system of vaccination.”

After explaining in detail the objects and provisions of the Bill, Mr. Bruce added:—

“The proposed amendments of the law would, he believed, conduce to greater efficiency in vaccination, both as to quantity and quality, without unnecessary interference or undue pressure upon the rates. A number of petitions which had been presented did not go so much against the Bill, as against the principle of vaccination. One objection was, that it had been made the means of introducing into the system other diseases than small pox. On this point Dr. Seaton said—

‘Those who have had most to do with the performance of vaccination, on the one hand, and those who have been most concerned in the treatment of infantile disease, on the other, concur in the belief of the non-communicability of disease by vaccination. Mr. Marson, in the performance of 50,000 vaccinations and more, “has never seen other diseases communicated with the vaccine disease, nor does he believe in the popular reports that they are so communicated.” Such

also was the experience of the late Mr. Leese, whose opportunities of observation were scarcely, if any, less. Dr. W. Jenner stated some years ago that at University College Hospital and at the Hospital for Sick Children, he had had, in six years, more than 13,000 sick adults and children under observation, and that in no case had he reason to believe, or even to suspect, that any constitutional taint had been conveyed from one person to another by vaccination. Dr. West's experience of 26,000 infants and children under his care in seventeen years is to the like effect; in stating that he has seen nothing in that time to make him believe that vaccination excites cutaneous eruptions in any but very exceptional cases, he refers such exceptional cases to a disposition in the children themselves, brought out by the vaccination as it might have been by teething. And Professor Paget, speaking from his large experience among children in the out-patients' room at St. Bartholomew's, and enumerating some of the causes which develop cutaneous diseases in young children, says, "Now, vaccination may do, though I believe it very rarely does, what these several accidents may do—namely, by disturbing for a time the general health, it may give opportunity for the external manifestation and complete evolution of some constitutional affection, which, but for it, might have remained rather longer latent. This is," he adds, "the worst thing that can with any show of reason be charged against vaccination; even this can very seldom be charged with truth."

A statement had been widely circulated that syphilis had been introduced into the system by vaccination. Millions of children had been vaccinated in the last sixty years, but not a single case had occurred in which it had been proved that syphilis had been communicated. A case was alleged to have occurred in France in which a child had been vaccinated from another which inherited syphilis; but the surgeon in that case, in taking lymph from a child covered with syphilitic blotches,

acted in monstrous disregard of common prudence and medical knowledge. No such case, so far as the most careful medical research could discover, had happened in this country. He did not think it necessary to argue the general question of vaccination. He had read many letters objecting to the compulsory system, but the House and the country were in favour of compulsory vaccination, and the only question was as to the best machinery for enforcing the law."

"The Vaccination Act of 1867" came into operation on the 1st of January 1868.

Its object, as described in its preamble, was "to consolidate and amend the Statutes relating to vaccination in England" (including Wales); and in furtherance of that object, it repealed, from and after the 1st January 1868, the then existing Statutes which related generally to the subject of Vaccination—namely, 3 & 4 Vict. c. 29; 4 & 5 Vict. c. 32; 16 & 17 Vict. c. 100; and 24 & 25 Vict. c. 59; together with the 7th sec. of the 21 & 22 Vict. c. 25, and the 2nd sec. of the 21 & 22 Vict. c. 97; the first relating to the duties of the Registrar-General, and the last to the powers of the Privy Council, with respect to vaccination.

This repeal, however, even when it took effect, was not absolute and complete, inasmuch as it was qualified by the following exceptions:—

"Except in regard to the divisions and districts of unions and parishes previously made, and to all contracts under the said Statutes then in force, and to all acts and proceedings duly commenced under the same, and not then completed, and except in regard to all liabilities and responsibilities incurred under the same,

all which shall remain in full force as if the same Statutes had not been repealed, unless they be in any respect inconsistent with the provisions herein contained."

The repeal, therefore, has not the effect of sweeping these enactments altogether out of the Statute Book, and beginning, as it were, *de novo*, with an entirely new law; on the contrary, the enactments remain in force with respect to the districts formed, the contracts entered into, the proceedings commenced, and the liabilities incurred, which continue in operation under those enactments until fulfilled or concluded or subsequently modified, unless and in so far as they may be inconsistent with the provisions of the new Act. It will consequently be necessary for some time to come to refer to them in connection with the provisions of the Act of 1867.

Under the Act of 1867, the overseers of the poor have no duties or powers. By the original Vaccination Extension Act of 1840, and the Compulsory Vaccination Act of 1853, and the Acts amending them, the overseers were recognised as the authorities to carry the provisions into execution in "every parish in which relief to the poor shall not be administered by guardians," (3 & 4 Vict. c. 29, s. 1; 4 & 5 Vict. c. 32, s. 1; 16 & 17 Vict. c. 100, s. 1; and 24 & 25 Vict. c. 59, s. 2); but in the 30 & 31 Vict. c. 84, the overseers are not so recognised, and the local execution of the Act is entrusted exclusively to the guardians of the poor, in conjunction with the medical men and the registrars of births and deaths.

In the general supervision or superintendence, however, three distinct central authorities are concerned—

the Privy Council, the Poor Law Board, and the Registrar-General. These authorities will severally act within their own respective spheres: the Privy Council, in so far as the subject is one affecting the public health; the Poor Law Board, in so far as the subject is one involving the administrative action of the guardians of the poor; and the Registrar-General, in so far as the subject is one in reference to which duties are imposed by the Act on the registrars of births and deaths.

Such orders and regulations as have been considered to be necessary, as well as forms and instructional circulars, have been issued by these several authorities, in pursuance of the powers vested in them by the Act. These documents are comprised in the present volume, and will be found in Appendix A.

D. P. F.

WHITEHALL, *May*, 1869.

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30 & 31 VICT. c. 84.

An Act to consolidate and amend the Laws relating to Vaccination.¹

[12th August, 1867.]

WHEREAS it is expedient to consolidate and amend the statutes relating to Vaccination in England:² Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

I. From and after the day when this Act shall come into operation as hereinafter provided,³ the statute of the third and fourth years of the reign of Her Majesty, chapter twenty-nine, that of the fourth and fifth years of the same reign, chapter thirty-two, that of the sixteenth and seventeenth years of the same reign, chapter one hundred, the seventh section of the statute of the twenty-first and twenty-second years of the same reign, chapter twenty-five, the second section of the statute of the twenty-first and twenty-second years of the same reign, chapter ninety-seven, and the statute of the twenty-fourth and twenty-fifth years of the same reign, chapter fifty-nine, shall be repealed,—

Acts and
parts of Acts
herein
named re-
pealed on
and after
January 1,
1868.

Except in regard to the divisions and districts of unions and parishes previously made, and to all contracts under the said statutes then in force, and to all acts and proceedings duly commenced under the same, and not then completed, and except in regard to all liabilities and responsibilities incurred under the same, all which shall remain in as full force as if the same statutes had not been repealed, unless they

Exceptions.

¹ This title is too extensive, as the Act is confined in its operation to England and Wales, and does not include Scotland or Ireland. The title of Mr. Bruce's Bill of 1866 referred to "Vaccination in England."

² This includes Wales. See Appendix B, *post*, p. 105.

³ *i.e.* the 1st January 1868. See a. 37, *post*.

be in any respect inconsistent with the provisions herein contained.¹

Guardians to divide unions and parishes into vaccination districts, or to consolidate or alter them, subject to approval of the Poor Law Board.

II. The guardians of every union or parish where the same shall not have been divided into districts for the purpose of Vaccination² shall, unless such union or parish respectively shall be of so limited an area as not to require subdivision, in which case the same shall be treated as a Vaccination district within the meaning hereof, forthwith divide the union or parish for which they act into districts for the performance of Vaccination; and when the Poor Law Board shall by their order require any¹ districts for the time being to be consolidated or otherwise altered, the guardians shall proceed to consolidate or alter the same, and they shall in every such case of division, consolidation, or alteration, report their proposal to the Poor Law Board for their approval, which Board shall approve or disapprove of the same as they see fit; and the guardians of every³ union or parish may, with like approval, from time to time as they shall find it requisite, alter the districts heretofore³ formed or hereafter to be formed for the purpose of Vaccination.

¹ See Introduction, *ante*, pp. 20, 21. The existing districts and contracts will continue in force, and will be governed by the statutes under which they were made, taken in connexion with the present Act; but the districts may be altered or modified under the provisions of ss. 2 and 3, *post*, and the contracts may be put an end to in any case, either by the guardians or by the vaccinator himself, under the last clause of the agreement.

² In his "Handbook of Vaccination, 1868," Dr. Seaton observes (p. 99):—"The terms 'vaccination' and 'to vaccinate,' to signify the inoculation of the cow-pox, were first introduced by Dunning—[Baron's Life of Jenner, vol. ii, p. 336]; and their convenience was at once recognised. They are the terms now exclusively employed for the purpose in medical writings, in the conversation of the educated, and among the common people also in the greater part of England; but there are still parts of the kingdom in which the lower orders seem never to have heard of vaccination, though they are quite familiar with the process of being 'cut for the cow-pock.'"

³ The second clause of s. 2 is general, and is not confined to the districts to be formed under the first clause. As to notice of alterations, see s. 13, *post*.

III. If the said Board disapprove of the proposal the guardians shall forthwith proceed to prepare another, and submit the same to the said Board for approval, and so on from time to time as shall be requisite until their proposal shall be approved, and when the said Board shall have approved of the same the guardians shall enter into a contract with some duly registered medical practitioner for the performance of Vaccination of all persons resident within each district; and every such medical practitioner shall be termed the public vaccinator of the district; and as and when the contracts now existing⁴ shall determine the guardians shall enter into others, with such modifications as the circumstances shall render necessary, subject to the like approval of the Poor Law Board as aforesaid.⁴

If the Board do not approve, another scheme to be prepared; when approved, guardians to contract for performance of vaccination.

IV. No person shall be appointed a public vaccinator, or act as deputy for a public vaccinator, who shall not possess the qualification heretofore⁵ prescribed by the Lords of Her Majesty's Council, or such as shall be from time to time hereafter prescribed by them, except when such Lords shall upon sufficient cause sanction any departure from their directions; and all such regulations as the said Lords have heretofore⁵ made or shall hereafter make, which they are hereby authorized to make, to secure the efficient performance of Vaccination or the provision and supply of vaccine lymph⁶ by the public vaccinator, and all such directions or regulations as the said Lords acting under any Act for the prevention of diseases may issue in relation to small pox, shall be duly observed by the several persons to whom they apply; and the said Lords may from time to time cause such inquiries to be made relating to the observance of such regulations and to the execution of this Act as to them shall seem fit, and shall direct how any money hereafter to be provided by Parliament for or towards defraying the expenses of the

Qualification of vaccinator to be prescribed by Lords of the Privy Council, and other regulations to be prescribed by them.

⁴ See ss. 1 and 2, and the notes thereon, *ante*.

⁵ See Appendix A, *post*, p. 88.

⁶ See s. 17, *post*.

National Vaccine Establishment, or otherwise providing for the supply of vaccine lymph,¹ shall be applied.²

As to
allowances
to public
vaccinators.

V. On reports made to the Lords of Her Majesty's Council with regard to the number and quality of the vaccinations performed in the several vaccination districts of England,³ or any of them, the said Lords may from time to time, out of monies provided by Parliament, and under regulations to be approved by the Lords Commissioners of Her Majesty's Treasury, authorize to be paid to any public vaccinators, in addition to the payments received by them from guardians or overseers,⁴ further payments not exceeding in any case the rate of one shilling for each child whom the vaccinator has successfully vaccinated during the time to which the award of the said Lords of the Council relates.

As to fees
payable for
vaccination.

VI. Every such contract for Vaccination shall⁵ provide for payment in respect only of the successful vaccination of persons, and so that the rate of payment for primary⁶ vaccinations shall be not less than the following; that is to say, for every such vaccination

¹ See s. 17, *post*.

² This clause is substituted for s. 2 of 21 & 22 Vict. c. 27, which is repealed by s. 1 of the present Act. See also s. 3 of the former Act; Appendix B, *post*, p. 122.

³ Including Wales. See notes (1) and (2), *ante*, p. 25.

⁴ In some places contracts might be entered into by overseers before 1st January 1868, and these may continue in force (see s. 1, *ante*); but overseers will not be empowered to enter into any further contracts. See Introduction, *ante*, p. 21.

⁵ The scale of remuneration here prescribed is much more favorable to the vaccinator, than the one laid down in the former Act 16 & 17 Vict. c. 100. s. 6. See Appendix B, *post*, p. 111. The new scale will only apply to contracts which may be entered into after the 1st January 1868, although the provisions of s. 8, *post*, with regard to the payment for re-vaccinations, will take effect upon contracts entered into before that date. The vaccinator therefore cannot be paid under the new scale so long as the old contract remains in force; but that contract may be put an end to at any time by either party (see note to s. 1, *ante*, p. 26); and a new contract entered into under the present Act, with the approval of the Poor Law Board.

⁶ As to re-vaccinations, see s. 8, *post*.

done at an appointed station situated at or within one mile from the residence⁷ of the vaccinator, or in the workhouse⁸ of the union or parish, not less than one shilling and sixpence; and for every such vaccination done at any station over one mile and under two miles distant from his residence,⁷ not less than two shillings; and for every such vaccination done at any station over two miles distant from his residence,⁷ not less than three shillings; such distance

⁷ The word "residence" must no doubt be understood here in its ordinary sense, as referring to the usual home, abode or dwelling of the vaccinator; and consequently will not include a surgery or other place, at which he merely attends, daily or otherwise, for the sole purpose of exercising his profession.

⁸ With respect to the vaccination of paupers who are inmates of a workhouse, it is provided by the General Consolidated Order of the Poor Law Commissioners, Art. 207, No. 5, that it shall be the duty of the medical officer for the workhouse to vaccinate such of the children therein as may require vaccination (*see* Glen's Poor Law Board Orders, sixth edition, 1868). It was formerly considered that such vaccination ought not to be included in the contracts with the public vaccinators, as it formed part of the duty of the workhouse medical officer, to be remunerated by his salary or otherwise ("Official Circular," March 1848, vol. 7, p. 203); but it is now provided, by a. 6 of the present Act, that a specific fee of not less than eighteen pence shall hereafter be paid under contract for every case of primary vaccination in a workhouse. The section directs that this payment shall be provided for "in *every such* contract for vaccination," i.e. the contract with each public vaccinator; but it is manifest that this direction cannot be taken literally, as it would give all the public vaccinators in a union the right or duty of vaccinating the inmates of the workhouse. The Poor Law Board have construed the enactment, according to its apparent intention, as applying to the medical officer of the workhouse, and have recommended that the payment of the fee referred to should be provided for in the contract which he enters into with the guardians as their medical officer, and not in a separate contract for vaccination. This is not perhaps a strict compliance with the letter of the clause, but it is in conformity with its spirit, and sufficiently accomplishes its object. No such fee, however, will be legally payable except under a contract.

The Poor Law Commissioners expressed the opinion, that the guardians have the right, without the permission of the parents, to vaccinate any child in their custody, during any danger of contagion from the small-pox. For this opinion, and the considerations on which it is founded, see their "Official

being measured according to the nearest public carriage road; but in respect of successful vaccinations performed elsewhere than at a station or in the workhouse,¹ as aforesaid, the payment shall be according to the terms specified in the contract as approved of by the Poor Law Board.²

Conditions may be imposed in the contracts to secure due vaccination of persons.

VII. The guardians shall, with the consent of the Poor Law Board, make stipulations and conditions in their contracts³ to secure the due vaccination of persons, the observance of the provisions of this Act with regard to the transmission of the certificate of successful vaccination, and the fulfilment of all other provisions of this Act on the part of the public vaccinator, and shall provide all stations⁴ at which the vaccination shall be appointed to be performed other

Circular," July 2, 1840, vol. 1, p. 72. The Poor Law Board have expressed the further opinion that, if the guardians and the workhouse medical officer think that any child in the workhouse requires vaccination, the medical officer should vaccinate such child, in accordance with the article above adverted to, (Art. 207, No. 5,) notwithstanding any objection on the part of the parents, ("Official Circular," March 1848, vol. 7, p. 204). The article referred to is confined to children, and does not extend to the adult inmates of the workhouse; but such inmates, though they cannot be compelled to undergo the operation, may desire it to be performed.

It is not the duty of the medical officer of the workhouse, as such, to vaccinate the officers and servants of the establishment.

As to the admission into the workhouse of paupers suffering from small pox, and the importance of providing separate infectious wards for the reception of such cases, see "Official Circular," January 1, 1846, vol. 6, p. 15.

¹ See note (⁶) s. 6, p. 29.

² See note (⁴) s. 6, p. 28. The Act imposes no restriction as to the fee for vaccination elsewhere than at a station, except by making it subject to the approval of the Poor Law Board. It need not necessarily be of the same amount for all cases, but may vary according to distance, if the Poor Law Board approve. With regard, however, to the practice of vaccinating elsewhere than at a station, see the Regulations of the Privy Council, Appendix A, *post*, p. 85.

³ See the Form of Contract prescribed by the order of the Poor Law Board, Appendix A, *post*, p. 77.

⁴ The expense of providing stations in unions is chargeable to the common fund, under the provisions of the Union Chargeability Act, 28 & 29 Vict. c. 79, s. 1; Appendix B, *post*, p. 127.

than the surgery or residence of the public vaccinator.

VIII. The provisions of the contracts entered into before this Act comes into operation,⁵ shall not after the thirty-first day of December next apply to the cases of persons who having been previously successfully vaccinated shall be re-vaccinated, but if the Lords of Her Majesty's Council shall have issued⁶ or shall hereafter issue regulations in respect of the re-vaccination of persons who may apply to be re-vaccinated, which such Lords are hereby authorized to do, the guardians shall pay in respect of every case of successful re-vaccination performed in conformity with such regulations under such contracts or under new contracts entered into after the date hereof a sum amounting to two-thirds of the fee payable upon each case of successful primary vaccination.⁷

Provision for re-vaccination.

IX. No contract for vaccination entered into under the provisions of this Act shall be valid until the same shall have been approved of by the Poor Law Board,⁸ and such Board may, at their discretion, upon the application of the Lords of Her Majesty's Council or otherwise, at any time after the same shall have been approved of by them, determine it either forthwith or at a future day.⁹

Contract not valid unless approved of by the Poor Law Board, who may determine the same at any time.

⁵ See s. 37, *post*.

⁶ See Appendix A, p. 88; also note (*), s. 1 of 16 & 17 Vict. c. 100, Appendix B, *post*, p. 108.

⁷ As to existing contracts, see s. 1, *ante*; and as to new contracts, see s. 6, *ante*, and the notes thereon. It seems that the vaccinator under a contract entered into before the passing of this Act will be entitled to claim this reduced fee in any case of re-vaccination in which he may duly comply with the regulations issued by the Privy Council.

⁸ This provision implies, though it does not in terms require, that the contract should be forwarded by the guardians to the Poor Law Board for their approval. As to the former state of the law upon this point, see 3 & 4 Vict. c. 29, ss. 4 and 5, Appendix B, *post*, p. 101.

⁹ Compare the 3 & 4 Vict. c. 29, s. 5 (*post*, p. 101), under which the contract could not be annulled by the Poor Law Commissioners after 14 days from the time of their receiving a copy of it under s. 4.

No payment to be made out of the poor rate or any other public fund unless the Poor Law Board have approved of the contract.

X. No payment in respect of vaccination shall be made out of the common fund of any union, or out of the poor rate of any parish, or out of any other public or parochial fund, where the Poor Law Board shall not have approved of a contract for the performance thereof,¹ or after they shall have determined any such contract;¹ and every payment made contrary hereto shall be disallowed by the auditor² in the accounts of every board of guardians, or of the overseers,³ or of any officer who shall have made the same.

No public vaccinator to be paid for vaccination out of his district.

XI. Where a district shall have been or shall be assigned to a vaccinator, he shall not be entitled to be paid a fee in respect of the vaccination or revaccination of any child or other person resident out of his district, except in case of a vacancy in the office of vaccinator in any adjoining district, or of the default of the vaccinator therein, of which default notice shall have been given to him in writing by the guardians, or when a relieving officer of his union or parish shall in writing refer any child to him for vaccination.⁴

Provision for districts in particular places of scanty population.

XII. The guardians may with the consent of the Poor Law Board provide in districts where the population is scanty or much scattered, or where some peculiar circumstances may render it expedient for them to do so, for the attendance of the public vaccinator at the appointed places after intervals exceeding three months; and if by reason of such interval the vaccination of any child cannot be performed within the respective periods herein pre-

¹ See s. 9, *ante*, p. 31.

² As to an appeal against the auditor's decision, either to the Poor Law Board or to the Court of Queen's Bench, see 7 & 8 Vict. c. 101, ss. 35, 36; 11 & 12 Vict. c. 91, s. 4; and 29 & 30 Vict. c. 113, s. 5.

³ This reference to the "overseers" does not imply that they have any power to enter into a contract under this Act, even with the approval of the Poor Law Board. See Introduction, *ante*, p. 21.

⁴ As to the former state of the law, see Appendix B, *post*, p. 107, note (2).

scribed,⁵ no parent or other person who would otherwise be liable shall be liable to any penalty⁶ in respect of a neglect to procure the vaccination during any such period; but every such parent or other person shall be bound to procure such vaccination to be performed at the time and place so appointed before the commencement of the next interval, unless it be otherwise performed by a medical practitioner as herein provided, or unless the child shall be certified to be then in an unfit state for or insusceptible of vaccination.

XIII. When the guardians make any alteration in a vaccination district, or otherwise in the local arrangements for vaccination, they shall give public notice of such alteration by printed papers to be affixed in the districts affected by such alteration for one month prior to the alteration taking effect.⁷

Guardians
to give
notice of
alteration
in districts.

XIV. The Registrar-General for England and Wales shall, when he shall deem it necessary, from time to time as occasion shall require, after the passing of this Act, frame and provide appropriate books, forms, and regulations for the use and guidance of the registrars in the exercise of their duties therein prescribed, and also such forms as shall be required for the use of the public vaccinators and the signature of the medical practitioners under the provisions of this Act, and shall transmit the same to all registrars of births and deaths, who shall retain such as relate to themselves, and distribute among the vaccinators within their respective districts such as relate to them without any fee or reward.⁸

The Registrar-General
to provide
forms.

XV. The registrar of births shall, on or within seven days after the registration with him of the birth of any child not already vaccinated, give a notice, according to the form in the schedule hereto

Registrar
of births to
deliver notice of
vaccination to
parent or

⁵ See ss. 16, 18 and 19, *post*.

⁶ See s. 29, *post*.

⁷ See ss. 2 and 3, *ante*.

⁸ Compare the 16 & 17 Vict. c. 100, s. 11, and 21 Vict. c. 25, s. 7, hereby repealed: see Appendix B, *post*, pp. 117, 120.

other person registering birth. annexed marked A, or to the like effect, to the parent, or, in the event of the death, illness, absence or inability of the parent, to the person having the custody of such child, if known to him, requiring such child to be duly vaccinated according to the provisions of this Act, and specifying the days, hours and places where the public vaccinator of the vaccination district wherein such child resides, or the vaccinator of any station duly authorized by the Lords of Her Majesty's Council,¹ will attend for the purpose of performing the operation, to which notice forms according to those in the said schedule marked B, C, and D, and also the address of the registrar giving the notice, shall be attached in such form as the Registrar-General shall deem most convenient.²

Parent or other person to procure the vaccination of child within three months.

XVI. The parent of every child born in England³ shall within three months⁴ after the birth of such child, or where, by reason of the death, illness, absence, or inability of the parent, or other cause, any other person shall have the custody of such child, such person shall, within three months⁴ after receiving the custody of such child, take it or cause it to be taken to the public vaccinator¹ of the vaccination district in which it shall be then resident, according to the provisions of this or any other Act, to be vaccinated, or shall within such period as aforesaid cause it to be vaccinated by some medical

¹ See Appendix A, *post*, p. 94. The description here given is in the alternative, referring to "the public vaccinator, etc., or the vaccinator of any station duly authorized, etc.," but it does not appear that there is any real distinction, as every vaccinator named in the list printed in the Appendix is therein designated as a "public vaccinator." If, however, any vaccinator duly authorized by the Privy Council is not a "public vaccinator," there will be a difficulty in filling up the form A, and if such vaccinator should vaccinate any child, a question may arise as to whether it is his duty, or that of the parent, to transmit the certificate to the registrar: see s. 30, *post*. With regard to the designation of "public vaccinator," see s. 3, *ante*, p. 27.

² See also s. 24, *post*.

³ Including Wales. See *ante*, p. 25.

⁴ These are calendar months. See 7 & 8 Vict. c. 101, s. 74, and 13 Vict. c. 21, s. 4.

practitioner;⁵ and the public vaccinator to whom such child shall be so brought is hereby required, with all reasonable despatch, subject to the conditions hereinafter mentioned,⁶ to vaccinate such child.

XVII. Upon the same day in the following week⁷ when the operation shall have been performed by the public vaccinator such parent or other person, as the case may be, shall⁵ again take the child or cause it to be taken to him or to his deputy that he may inspect it, and ascertain the result of the operation, and, if he see fit, take from such child lymph for the performance of other vaccinations;⁸ and in the event of the vaccination being unsuccessful such parent or other person shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and inspected as on the previous occasion.⁵

Provision for inspection of vaccination.

XVIII. If any⁹ public vaccinator or medical practitioner shall be of opinion that the child is not in a

Provision for the unfitness

⁵ As to the penalty for neglect, see s. 29, s. 33, and s. 34, *post*.

⁶ See ss. 18, 19 and 20, *post*.

⁷ Compare 16 & 17 Vict. c. 100, s. 3, and the note thereon, Appendix B, *post*, p. 109.

⁸ This provision with regard to taking the lymph is a new one. See also s. 4, *ante*; as well as Dr. Seaton's "Handbook of Vaccination," ch. vi-x.

⁹ The word "any" is used here without limitation; but a question nevertheless arises, whether any vaccinator or practitioner can lawfully give the certificate herein contemplated, without seeing and examining the child. The certificate (see schedule B, *post*.) does not in terms require the person certifying to state that he has examined the child; but it does require him to express a positive opinion that the child "is not now" in a fit state for vaccination; and how can he form such an opinion without ascertaining for himself the condition of the child at the time? But even if it should be held that this certificate may be given on the first occasion by a medical man who has not seen the child, and who founds his opinion on the statements of others, it is clear that no such certificate can be subsequently given in like manner, as s. 19 expressly provides that, at or before the end of each successive period of two months, the child shall be taken to some vaccinator or practitioner, who shall then examine the child, and certify accordingly. It is, perhaps, to be regretted that similar language is

of the child
for vacci-
nation.

fit and proper state to be successfully vaccinated he shall forthwith deliver to the parent or other person having the custody of such child a certificate under his hand according to the form in the schedule hereto annexed marked B, or to the like effect, that the child is then in a state unfit for successful vaccination, which certificate shall remain in force for two months,¹ and shall be renewable for successive periods of two months,¹ until a public vaccinator or medical practitioner shall deem the child to be in a fit state for successful vaccination, when the child shall, with all reasonable despatch, be vaccinated, and the certificate of successful vaccination duly given if warranted by the result.²

Provision for
successive
certificates.

XIX. At or before the end of each successive period the parent or such person as aforesaid shall take or cause the child to be taken to some public vaccinator or medical practitioner, who shall then examine the child, and give the certificate according to the said form B, so long as he deems requisite under the circumstances of the case.²

Provision for
insusceptibi-
lity of suc-
cessful vac-
cination.

XX. If any such public vaccinator or medical practitioner shall find that a child whom he has three times³ unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox,³ he shall deliver to the parent or other person as afore-

not used in s. 18; and the certificate in schedule B, would doubtless have been more distinct if it had run in some such terms as these—"I, having examined A. B., the child of— am of opinion that the said child is not now in a fit state, etc."; nevertheless, the Act, as it stands, seems to have intended, and constructively to require, that the first certificate, as well as the subsequent ones, should be founded on personal knowledge and not on hearsay information.

¹ Calendar months. See 7 & 8 Vict. c. 101, s. 74, and 13 Vict. c. 21, s. 4.

² As to penalties, see ss. 29, 30, 33 and 34, *post*.

³ The clause as to the child having already had the small-pox is new, and so also is the specific requisition of three unsuccessful attempts before deciding that the child is not susceptible of vaccination.

said a certificate under his hand according to the form in the schedule hereunto annexed marked C, or to the like effect, and the parent or such person as aforesaid shall thenceforth not be required to cause the child to be vaccinated.⁴

XXI. Every public vaccinator who shall have performed the operation of vaccination upon any child, and have ascertained that the same has been successful, shall, within twenty-one days after the performance of the operation, transmit by post or otherwise a certificate according to form D, in the said schedule, or to the like effect, certifying that the said child has been successfully vaccinated, to the registrar of births and deaths in the district within which the birth was registered,⁵ but if such district be not known to him, or if the birth of the child shall not have been registered, to the registrar within whose district the operation shall have been performed,⁵ and upon request shall deliver a duplicate thereof to the parent or other person as aforesaid.⁶

Certificate of successful vaccination to be transmitted to the registrar, and a duplicate given to the parent.

XXII. No fee or remuneration shall be charged by the public vaccinator to the parent or other person for any such certificate or duplicate certificate as aforesaid,⁷ nor for any vaccination done under his contract, nor shall he be entitled to payment under his contract for any vaccination in respect of which he shall have been paid by the parent or other person for whom or on whom it is performed; and if he should have received payment under his contract he

No fee to be charged for certificate.

⁴ See ss. 29, 30, 33 and 34, *post*.

⁵ See ss. 24 and 27, *post*.

⁶ This provision differs from the requirements of the former Act, 16 & 17 Vict. c. 100, s 4 (see Appendix B, *post*, p. 109) The public vaccinator is still required to forward the certificate to the registrar, but he is not now required to deliver one to the parent or custodian of the child, except upon request. He is, however, rendered liable to a penalty for neglect or refusal, to which he was not previously subject. See s. 30, *post*. As to medical practitioners, who are not public vaccinators, see s. 23, *post*. With regard to the importance of the duplicate to the parent or other person, see s. 34, *post*, and the note thereon.

⁷ See s. 18, 19, 20 and 21, *ante*.

shall not be entitled to recover payment for the vaccination from any other person.¹

Parent, etc.
to transmit
certificate
of successful
vaccination
by medical
practitioner
to registrar
of district.

XXIII. Where the vaccination shall be successfully performed by a medical practitioner not being a public vaccinator, the parent or other person as aforesaid causing the child to be vaccinated shall submit a certificate according to the said form marked D, to such medical practitioner, to be filled up and signed by him, and shall within twenty-one days after the performance of the operation transmit the same so signed, by post or otherwise, to the registrar of the district,² where the birth of such child was registered, or if such child shall not have been registered, or the district of the registration shall not be known to such parent or other person, to the registrar of the district³ in which the operation shall have been performed.³

Registrar to
keep books
and register
of vaccination
to be open to
searches.

XXIV. Every registrar shall keep a book in which he shall enter minutes of the notices of vaccination given by him as herein required,⁴ and also register the certificates transmitted to him as herein pro-

¹ See 16 & 17 Vict. c. 100, Appendix B, *post*, p. 108, note (²). The present enactment appears to be intended to prevent the public vaccinator being paid twice for the same operation. It has obviously no application to medical practitioners who are not public vaccinators.

² See ss. 24 and 27, *post*.

³ Under 16 & 17 Vict. c. 100, s. 4 (see Appendix B, *post*, p. 109) the medical practitioner was required to deliver a certificate to the parent or custodian of the child, and also to transmit a duplicate to the registrar; but under the present enactment his obligations are limited to filling up and signing the certificate submitted to him by the parent or other person, who thereupon becomes responsible for transmitting it to the registrar. The enactment makes no mention of a duplicate. The medical practitioner, however, is now rendered liable to penalties to which he was not before subject, in respect of these certificates, (see s. 30, *post*); but of course his fee or compensation will be a matter of private arrangement, as also the furnishing of a duplicate certificate, which the medical practitioner will probably not decline to supply, if requested to do so. With regard to the importance of this duplicate to the parent or other person, see s. 34, *post*, and the note thereon.

⁴ See s. 15, *ante*.

vided,⁵ and shall at all reasonable times allow searches to be made therein, and upon demand give a copy under his hand or under that of his deputy of any entry in the same, on payment of a fee of sixpence for each search and threepence for each copy; and every registrar shall receive a fee of one penny in respect of every child whose birth he shall have registered, and in respect of whom he shall give the notice as aforesaid,⁴ and another fee of threepence in respect of every such child whose certificate⁵ he shall have registered as herein provided, and he⁶ shall receive a fee of one penny in respect of each child whose certificate⁵ he shall have registered without having registered the birth: provided that no fee shall be charged for any search made by a public vaccinator, or any officer of the guardians authorized by them to make such search, or any inspector appointed by the Poor Law Board or the Lords of Her Majesty's Council.

Fees for searches and copies.

Proviso.

XXV. The registrar shall make out an account of the fees to which he shall be entitled under this Act at the usual quarter days of the year, and submit the same to the guardians of the union or parish for which he acts, and they shall, after examining the same and comparing with the register of successful vaccinations kept by him and finding the account to be correct, forthwith pay the amount of the same out of the funds in their possession.⁷

Registrar to be paid fees by the boards of guardians.

⁵ See s. 21 and s. 23, *ante*; see also s. 27, *post*. It will be observed that the provisions of this Act relating to certificates are confined to children, and do not apply to adults, and that with regard to the vaccination of the latter, the registrar is not called upon to perform any duties, and is therefore not entitled to receive any fees.

⁶ Where the birth is registered by one registrar and the certificate of vaccination is registered by another registrar, his successor in the same district, it appears that the latter will not be entitled to the fee of three-pence. "Every such child" refers to the preceding expression—"every child whose birth he shall have registered"; and it does not seem that a birth registered by his predecessor can be regarded as a birth registered by himself.

⁷ As to the limitation of the time for payment, see 22 & 23 Vict. c. 49, s. 1; and as to the mode of charging the expense in unions, see 28 & 29 Vict. c. 79, s. 1; see Appendix B, *post*.

Vaccination declared to be not parochial relief so as to disqualify.

XXVI. It is hereby declared, that the vaccination, or the surgical or medical assistance incident to the vaccination, of any person in a union or parish, heretofore or hereafter performed or rendered by a public vaccinator, shall not be considered to be parochial relief, alms or charitable allowance to such person or his parent, and no such person or his parent shall by reason thereof be deprived of any right or privilege, or be subject to any disability or disqualification.¹

Half-yearly proceedings by registrars and guardians.

XXVII. The registrar of each district shall, within one week after the first day of January and the first day of July in each year, make a list of all cases in which certificates of vaccination have not been duly received by him during the last preceding half-year² and shall submit the same to the next meeting of the guardians of the union or parish wherein he acts, and the said guardians shall³ forthwith make inquiry into the circumstances of the cases contained in the list, and if they find that the provisions of the Act have been neglected shall³ cause proceedings to be taken against the persons in default.

Power to guardians to pay certain expenses out of their funds.

XXVIII. The guardians of any union or parish may pay out of their funds all reasonable expenses incurred by them in causing notices to be printed and circulated as to the provisions of this Act, and in and about inquiries and reports as to the state of small pox or vaccination in their union or parish, and in taking measures to prevent the spread of small-pox

¹ Compare 4 & 5 Vict. c. 32, s. 2. See Appendix B, *post*, p. 106.

² See ss. 21, 23 and 24, *ante*.'

³ It will be perceived that this is a duty obligatory upon the guardians; and as to the mode of enforcing it, reference may be made to *R. v. Davis*, Say. 133, and *Reg. v. Birmingham and Gloucester Railway Company*, 9 Car. & P. 469. The guardians should give notice to the persons named in the list, and offer them an opportunity of explanation, intimating at the same time that if the explanation is not satisfactory, proceedings will be taken against them (see the Circular of the Poor Law Board and the remarks of the Privy Council, Appendix A, *post*, p. 72).

and to promote vaccination upon any actual or expected outbreak of that disease therein, and may pay any officer⁴ appointed by them to prosecute persons charged with offences against this Act, or otherwise to enforce its provisions.⁵

XXIX. Every parent or person having the custody of a child who shall neglect to take such child or to cause it to be taken to be vaccinated, or after vaccination to be inspected, according to the provisions of this Act,⁶ and shall not render a reasonable excuse for his neglect, shall be guilty of an offence, and be liable to be proceeded against summarily, and upon conviction⁶ to pay a penalty not exceeding twenty shillings.⁷

Penalty on parent, etc. neglecting to procure vaccination of the child.

⁴ The appointment rests with the guardians, and does not require the sanction or approval of the Poor Law Board, either as to the selection of the officer or as to the amount of his remuneration, unless where the guardians propose to appoint a relieving officer to perform these duties, in which case the consent of the Board must be obtained under Art. 166 of the General Consolidated Order of July 1847, or similar orders. As to the appointment of a registrar of births and deaths to this office, see note on s. 31 *post*. In many unions, the guardians have termed this officer an "Inspector of Vaccination," or a "Vaccination Inspector," or "Vaccination Officer"; but although some such title may be convenient, it is not in the Act, and perhaps therefore cannot be safely used in prosecutions or other legal proceedings.

⁵ As to the mode of charging these expenses in unions, see 28 & 29 Vict. c. 79, s. 1; Appendix B, *post*, p. 127. See also 23 & 24 Vict. c. 77, s. 14.

⁶ See ss. 16, 17, 18, 19 and 20, *ante*, and ss. 31, 33 and 34, *post*. With regard to a second conviction, see the decision in *Pilcher v. Stafford*, (Appendix B, *post*, p. 114): which protects the parent from a second penalty under s. 29. Proceedings, however, may be taken to procure the vaccination of the child under s. 31, notwithstanding that a conviction may have been obtained under s. 29.

⁷ The former Act, 16 & 17 Vict. c. 100, s. 13, expressly directed that all penalties recovered under that Act should be applied in aid of the funds applicable to the relief of the poor of the parish or place where the offence was committed. The present Act contains no such provision; on the contrary, it enacts, in s. 33 (*post*) that the 11 & 12 Vict. c. 43, except s. 11, shall apply to all proceedings taken under this Act. The 31st section of 11 & 12 Vict. c. 43 provides that if the statute

Penalty on vaccinator and parent neglecting to transmit certificate, and persons signing false certificates.

XXX. Every public vaccinator, parent or person, as the case shall require,¹ who shall neglect to transmit any certificate required of him by the provisions of this Act completely filled up and legibly written to the registrar within the time herein specified, and every public vaccinator who shall refuse to deliver the duplicate to the parent or other person, on request,² and every medical practitioner who shall refuse to fill up and sign the certificate of successful vaccination when submitted to him as aforesaid,³ shall be liable to pay upon a summary conviction a penalty not exceeding twenty shillings;⁴ and every person who shall wilfully sign a false certificate or duplicate under this Act shall be guilty of a misdemeanor, and punishable accordingly.

Justices may make an order for the vaccination of any child under 14 years.

XXXI. If any registrar,⁵ or any officer appointed by the guardians to enforce the provisions of this Act,⁶ shall give information in writing to a justice of the peace that he has reason to believe that any child under the age of fourteen years, being within

under which any penalty is levied contains no directions for its payment to any person or persons, then the clerk to the justice or justices shall pay the amount to the treasurer of the county, riding, division, liberty, city, borough or place, for which the justice or justices shall have acted. It thus appears that the penalties levied under the present Act are not to be applied in aid of the poor rates, but are to be paid over to the county or borough.

¹ See ss. 21 and 23, *ante*.

² See s. 21, *ante*.

³ See s. 23, *ante*.

⁴ See s. 33, *post*; and note (?) on s. 29, *ante*.

⁵ The registrar being empowered by the Act to proceed under this section on his own authority, it may be a question whether he can also be appointed by the guardians as their "officer" for the same purpose. Such an appointment would not confer upon him any additional powers in this respect; but it would enable the guardians to remunerate him for his trouble, and thus to give him an additional motive for activity. Under s. 28, however, the officer appointed by the guardians is "to prosecute persons charged with offences against this Act," as well as "otherwise to enforce its provisions;" and the registrar, therefore, if appointed by the guardians, would be empowered to prosecute for penalties, as well as to proceed under s. 31. (See the remarks of the Privy Council on this subject, Appendix A, *post*, p. 74).

⁶ See s. 28, *ante*.

the union or parish for which the informant acts, has not been successfully vaccinated, and that he has given notice to the parent or person having the custody of such child to procure its being vaccinated, and that this notice has been disregarded, the justice may summon such parent or person to appear with the child before him at a certain time and place, and upon the appearance, if the justice shall find, after such examination as he shall deem necessary, that the child has not been vaccinated, nor has already had the small pox, he may, if he see fit, make an order⁷ under his hand and seal directing such child to be vaccinated within a certain time; and if at the expiration of such time the child shall not have been so vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made⁷ shall be proceeded against summarily,⁸ and unless he can show some reasonable ground for his omission to carry the order into effect, shall be liable to a penalty not exceeding twenty shillings :⁹

Penalty for disobedience.

Provided that if the justice shall be of opinion that the person is improperly brought before him, and shall refuse to make any order for the vaccination of

Proviso for costs to person improperly summoned.

⁷ The Act does not point out upon whom the order is to be made. The order is to direct the child to be vaccinated; but of course it cannot be made upon the child; and as, under the subsequent clause of the enactment, a penalty may be inflicted for disobeying it, the proper construction seems to be, that the order should be made upon the parent or person having the custody of the child, and not upon the registrar or officer of the guardians who may be the informant in the case.

⁸ It is not here stated before what justices (whether before one, or two or more,) this summary proceeding is to be taken; but having regard to s. 33, *post*, which adopts the provisions of 11 & 12 Vict. c. 43, it seems that under s. 12 of the last-named Act one justice may hear and determine the charge; and that he need not necessarily be the same justice by whom the order for the vaccination is made.

⁹ See notes on s. 29. Although the principle of the decision in *Pilcher v. Stafford* will prevent the infliction of a second penalty under s. 29, there appears to be nothing to prevent the renewal or repetition of proceedings under s. 31 as often as may be necessary until the vaccination of the child has been effected.

the child, he may order the informant to pay to such person such sum of money as he shall consider to be a fair compensation for his expenses and loss of time in attending before the justice.¹

Penalty
upon per-
sons inoc-
ulating with
small-pox.

XXXII. Any person who shall after the passing of this Act produce or attempt to produce in any person by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or wilfully by any other means whatsoever produce the disease of small-pox in any person, shall be guilty of an offence, and shall be liable to be proceeded against summarily, and upon conviction to be imprisoned for any term not exceeding one month.²

11 & 12 Vict.
c. 43, except
sect. 11,
sect. 59 of
7 & 8 Vict.
c. 101, and
sect. 9 of
28 & 29 Vict.
c. 79, to
apply to
these pro-
ceedings.

XXXIII. The statute of the eleventh and twelfth Victoria, chapter forty-three, except section eleven,³ shall apply to all proceedings to be taken under this Act; and the justices for the county, city, borough, or other place where the offence shall have been committed, shall have jurisdiction to hear and determine the complaint, and where a union or parish shall be comprised in several jurisdictions the complaint as to any matter arising in such union or parish may be heard and determined in any one of such jurisdictions; and all prosecutions undertaken by the guardians or their officers or any registrar under this Act shall be deemed to be within the operation of the seventh and eighth Victoria, chapter one hundred and one, section fifty-nine, and the Union Chargeability Act of 1865, section nine.⁴

¹ This liability will doubtless induce the informant to be very circumspect in his proceeding under this section.

² Compare 3 & 4 Vict. c. 29, s. 8; Appendix B, *post*, p. 102, and note thereon. See also the Sanitary Act, 1866 (29 & 30 Vict. c. 90), ss. 25, 26, 38 and 39.

³ The section thus excepted (s. 11) limits the period within which proceedings may be adopted to six calendar months from the time when the matter of the complaint or information arose, and consequently that limitation will not apply to proceedings under the present Act. See Jervis's Acts, by Glen, 3rd edition, 1867.

⁴ As to the application of the penalties, however, see note (7) s. 29, *ante*, p. 41.

XXXIV. In any prosecution for neglect to procure the vaccination of a child, it shall not be necessary in support thereof to prove that the defendant had received notice from the registrar or any other officer of the requirements of the law in this respect; but if the defendant produce any such certificate as hereinbefore described, or the register of vaccinations kept by the registrar as hereinbefore provided, in which the certificate of successful vaccination of such child shall be duly entered,⁵ the same shall be a sufficient defence for him, except in regard to the certificate marked B, when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.⁶

Notice not to be proved by prosecutors.

Certificates to be defence.

XXXV. The word "parent" shall include the father and mother of a legitimate child and the mother of an illegitimate child; "medical practitioner" shall mean a registered medical practitioner; and the several words herein contained shall be construed, except where any inconsistency would ensue from such construction, in the same manner as in the several Acts for the amendment of the law for the relief of the poor.

Interpretation of terms.

XXXVI. The seventh section of the Public Health Act, 1858, shall apply to all the proceedings

Sect. 7 of 31 & 32 Vict. c. 97, to apply

⁵ There appears to be some inaccuracy in the language of this clause. The certificates of successful vaccination (form D) are to be sent to the registrar, either by the public vaccinator under s. 21, or by the parent or other person under s. 23; and they are to be registered by him under s. 24. It is not distinctly enacted that they are to be preserved by him, but apparently this is intended; and if so, both the certificates and the register of vaccinations will be in the possession of the registrar, and not of the defendant. It is difficult to understand, therefore, how the defendant himself can produce them, though probably he can readily procure their production by the registrar, or compel it by *subpoena duces tecum*. If, however, he has in his own possession a duplicate certificate, the production of such duplicate will doubtless be sufficient. With reference to the duplicate, see ss. 21 and 23, *ante*, and the notes thereon.

⁶ With regard to the certificate marked B, see note on s. 18, *ante*, p. 35.

to Acts of Privy Council. and acts of the Lords of Her Majesty's Council herein authorized.¹

Commence-
ment of Act. XXXVII. This Act shall come into operation on
Short title. the first day of January next, and may be cited as
"The Vaccination Act of 1867."

¹ See Appendix B., *post*, p. 123.

SCHEDULE OF FORMS.

(A).¹

I, the undersigned, hereby give you notice to have the child (*insert name*), whose birth is now registered, vaccinated within three months from the date of its birth, pursuant to the provisions and directions of the Vaccination Act; and that in default of your doing so you will be liable to the penalties thereby imposed for neglect of those provisions.

If you intend to apply to the public vaccinator of your district I have to inform you that he will attend at
on _____ at the hour of _____

You are required to produce to the public vaccinator or medical practitioner who may be applied to the forms herewith supplied for him to fill up and sign; and if the operation be performed by a medical practitioner who is not the public vaccinator, you must transmit to me by post or otherwise the certificate signed by him within twenty-one days after the performance of the operation, or you will be liable to a penalty of twenty shillings, to be recovered on a summary conviction.

Dated this _____ day of _____ 18

(signed) *C.D.*,

Registrar of Births and Deaths for the Sub-
District of _____ in the
Union *or* Parish.

(B).²

I, the undersigned, hereby certify, that I am of opinion
that _____ the child of _____ of
in the parish *or* township of _____ in the county *or*
borough of _____ aged _____ is not now in a fit and

¹ See s. 15, *ante*.

² See ss. 18 and 19, *ante*, and also s. 34, *ante*.

VACCINATION ACTS.

proper state to be successfully vaccinated. I do hereby postpone the vaccination until the day of (a)

Dated this day of 18

(signed) A.B.,
Public Vaccinator of the Union
or Parish.

or A.B., of
Medical Practitioner (i.e. M.D., L.A.C., or
F.R.C.S., or otherwise, as the case may be).

Mem.—This is to be kept by the parent or other person to whom it is given.

(a) *This must not exceed two calendar months from the date of the certificate.*

(C).¹

I, the undersigned, hereby certify, that I have times unsuccessfully vaccinated the child of
of in the parish or township
in the county or borough of
aged , [or that the child has already had small-pox,
as the case may be,] and I am of opinion that such child is
insusceptible of successful vaccination.

Dated this day of 18

(signed) A.B.,
Public Vaccinator of the Union
or Parish.

or A.B., of
Medical Practitioner (i.e. M.D., L.A.C., or
F.R.C.S., or otherwise, as the case may be).

Mem.—This is to be kept by the parent or other person to whom it is given.

¹ See s. 20, ante, and also s. 34, ante.

(D).⁴

I, the undersigned, hereby certify, that
 the child of _____ aged _____ of _____ in the
 parish or township of _____ in the county or borough
 of _____ has been successfully vaccinated by me.

Dated this _____ day of _____ 18

(signed) *A.B.*,
 Public Vaccinator of the _____ Union
 or Parish.

or *A.B.*, _____ of
 Medical Practitioner (i.e. M.D., L.A.C., or
 F.R.C.S., or otherwise, as the case may be).

NOTICE.—*This certificate is to be transmitted within twenty-one days from the performance of the operation by the public vaccinator to the registrar of the district in which the birth was registered, or, if that be not known to him, to the registrar of the district in which the operation was performed. A duplicate is to be given to the parent, or other person procuring the vaccination, if requested.*

When the vaccination is performed by a medical practitioner, not the public vaccinator of the district, he is to fill up and sign this certificate, and the parent or such other person is within the same time to transmit it to the registrar with whom the birth was registered, or, if his district be not known to such parent or other person, to the registrar of the district in which the operation was performed.

The transmission may be by post or otherwise.

In each case the Vaccination Act of 1867 imposes a penalty of twenty shillings for default.⁵

⁴ See ss. 21 and 23, s. 24 and s. 34, with the notes thereon, *ante*.

⁵ See s. 30, *ante*.

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APPENDIX (A).

I. REGISTRAR-GENERAL.

1. *Circular to Registrars of Births and Deaths, relating to 30 & 31 VICT. c. 84.*

GENERAL REGISTER OFFICE,
SOMERSET HOUSE,
November 1, 1867.

SIR,

I am directed by the Registrar-General to transmit to you herewith a copy of the Act 30 & 31 Vict. c. 84, "to consolidate and amend the Laws relating to Vaccination," which will come into operation on 1st January 1868.

You will observe that under this new law you are required, on registering a birth, to deliver to the parent, or to the person having the custody of the child, a Notice of Vaccination (A), *with certain forms annexed*, B, C, and D, and to keep a Register of Successful Vaccination, as at present.

That a certificate of successful vaccination is to be sent to the registrar of the district *in which the birth was registered*, but if such district be not known, or the birth has not been registered, to the registrar of the district in which the operation was performed.

That neglect in sending to you certificates of successful vaccination is punishable by a penalty of 20s. recoverable by summary process.

That the fees for services performed by you in reference to vaccination have, to some extent, been increased.

The Sections which more immediately concern you, as Registrar of Births and Deaths, and to which I am to request your particular attention, are the following:—

SECTION 15

—Provides for the delivery, by the registrar, to the parent, etc., on registering a birth, of a Notice of Vaccination (schedule A), with the forms marked B, C, and D, annexed thereto.

SECTION 21

—Directs public vaccinators to send certificates of successful vaccination to the registrar.

SECTION 23

—Directs the *parent*, etc., to send a certificate of successful vaccination to the registrar when the operation has been performed by a medical practitioner who is not a public vaccinator.

SECTION 24

—Requires registrars to keep a Register of Successful Vaccinations, and to allow searches to be made therein, and to furnish copies of entries; and provides for the payment to the registrar of the undermentioned fees:—

For search in Register of Successful Vaccination	6d.
For Copy of Entry therein	3d.
For delivery of Notice of Vaccination to the Parent, etc., after registering the birth	} 1d.
For every Certificate of Successful Vaccination registered by him of a child whose birth he has registered	
For every such certificate registered by him without having registered the birth	} 1d.

SECTION 25

—Requires registrars to make out every quarter an account of the fees due to them under this Act, and to submit the same to the guardians for payment.

SECTION 27

—Directs every registrar within one week after 1st January and 1st July in each year, to make a list of all cases in which certificates of successful vaccination have not been duly received by him during the last preceding half-year, and to submit the same to the next meeting of the guardians, to enable them to institute proceedings against the offending parties.

SECTION 30

—Imposes a penalty of 20s. on vaccinators and others who neglect to send to the registrar the certificates required by this Act.

SECTION 31

—Provides that any registrar may give information in writing to a justice of the peace, of any child, under fourteen years of age, who has not been successfully vaccinated, with the view to proceedings being taken in the matter.

The following explanatory Remarks are intended for your further information and guidance in carrying into effect the provisions of some of the sections above quoted.

1. The times and places for public vaccination which you will be required to insert on each Notice of Vaccination (schedule A), are the times and places appointed

for the "*Vaccination District*" in which the child resides, Sect.15. and these places may or may not be within your sub-district. If you are not already in possession of the requisite information respecting them, you should obtain such information before 1st January 1868, from the board of guardians. Any *changes* of arrangement made subsequently to that date by the Guardians are required to be publicly notified. Sect. 13.

2. Your registration of successful vaccinations will be of the CHILDREN BORN IN YOUR SUB-DISTRICT ONLY, except in the particular cases in which the parent or person responsible for sending you the certificate does not know where the birth was registered; or when the birth has not been registered at all. It may sometimes happen, however, that through carelessness or inadvertence a certificate will be brought or sent to you which ought to have been delivered to some other registrar. Whenever this is the case, you should forward the certificate, or direct the parent or other person to forward it, to the registrar to whom it ought in the first instance to have been sent.

3. In presenting your quarterly accounts for payment, you will have to produce your Register of Successful Vaccinations with the certificates to show that the entries have been correctly made. And the Registrar-General will direct his inspectors from time to time to examine these books, to see that they are properly and correctly kept. Sect.25.

4. The lists which you will have to submit half-yearly to the board of guardians will have regard to children, the certificates of whose successful vaccination have not been *duly* received by you during the preceding half-year, and will be made from your "Register of Successful Vaccinations." As three months from birth are allowed for the vaccination of a child, and three weeks more for the transmission of the certificate, the Registrar-General is of opinion that no child under four months should be included in the half-yearly list. Therefore, your first list, presentable in the first week of July 1868, should contain the names of those children only who were born in the preceding January and February, whose certificates of successful vaccination had not been forwarded to you; the list presented in January 1869, of the children born March to August 1868 inclusive, and so on. In districts which may hereafter come under clause 12, even a longer period from birth may elapse before the certificate becomes due: the essential point is to include in each list those names only respecting which the certificate ought, at the time of Sect.27. Sect. 21 and 23.

making out the list, to have come into your possession. Any of these children whose deaths you may have registered before the period for sending in the lists would, of course, be omitted, the word "dead" being put against their names in the columns appointed for the entry of successful vaccinations in your Vaccination Register.

5. By section 33 you are empowered to take summary
Sect. 33. proceedings against public vaccinators, parents or others, who neglect to transmit to you the certificates which the Act requires; but, as this neglect will often arise from a mere inadvertence, you will probably as a general rule deem it right, before instituting proceedings, to intimate, verbally or otherwise, to the defaulter the neglect that has taken place, and to proceed in those cases only in which the intimation is disregarded.

Ample directions having been given to you in the Instructional Letter from this office of September 29, 1853. (which has been reprinted in the Official List,) as to the mode in which entries are to be made in the Register of Successful Vaccinations, it is not now considered necessary to repeat them; when the book now in use is filled, another, with such trifling alterations as the recent Act may require, will be sent to you on receipt of your application for the same.

The Registrar-General has directed me to take this opportunity to impress upon you the necessity of your *never* failing, after registering a birth, to deliver to the parent, etc., the Vaccination Notice, with the forms B, C, and D, annexed (*taking care to insert your name and address in the Notice (schedule A) and on the endorsement or postal direction of the Certificate of Successful Vaccination, form D*); and to remind you, that on ascertaining that the parent or other person is unable to read, it will be incumbent upon you, before delivering the notice, to make such parent, etc., *verbally* acquainted with the requirements of the Vaccination Law, and the penalty which is attached to their non-fulfilment.

You will receive herewith a supply of the new forms of Vaccination Notices; and I am to request that you will return to this office all the old forms (16 & 17 Vict. c. 100), you may have in your possession on 1st January 1868, when the new Vaccination Law comes into operation.

I am, Sir, your obedient servant,

E. EDWARDS,
Secretary.

The Registrar of Births and Deaths.

For Districts out of London.—D.P.F.]

THE VACCINATION ACT OF 1867.

(30 & 31 Victoria, cap. 84).

SCHEDULE (A).

NOTICE OF THE REQUIREMENT OF VACCINATION.

[To be given by the Registrar *at the time of registering the Birth*, or within seven days after, pursuant to section 15].

If the Notice be given to the Father, strike out the word "Mother" and the following line; if to the Mother strike out "Father," and also the said line; if it be given to any other person, strike out only the words "Father" and "Mother."

To the Father . . .
Mother . . .
Person having
the Custody
of the Child
herein named }

Copy hereunder the No. of the Entry of the Child's Birth from the Register Book.

Entry }
 No. }

I, the undersigned, hereby give you Notice to have the
 Insert Name. Child named _____

whose Birth is now Registered, Vaccinated within
 Three Months from the date of its Birth, pursuant to the provisions and directions of the Vaccination Act; and that in default of your doing so, you will be liable to the PENALTIES THEREBY IMPOSED FOR NEGLECT OF THOSE PROVISIONS.

You are required to produce to the Public Vaccinator or Medical Practitioner who may be applied to, the Forms herewith supplied, for him to fill up and sign; AND IF THE OPERATION BE SUCCESSFULLY PERFORMED BY A MEDICAL PRACTITIONER WHO IS NOT THE PUBLIC VACCINATOR, YOU MUST TRANSMIT TO ME, BY POST OR OTHERWISE, WITHIN TWENTY-ONE DAYS AFTER THE PERFORMANCE OF THE OPERATION, THE CERTIFICATE SIGNED BY HIM, OR YOU WILL BE LIABLE TO A PENALTY OF TWENTY SHILLINGS, TO BE RECOVERED ON A SUMMARY CONVICTION.

proper state to be successfully vaccinated. I do hereby postpone the vaccination until the day of (a)

Dated this day of 18

(signed) A.B.,
Public Vaccinator of the Union
or Parish.

or A.B., of
Medical Practitioner (i.e. M.D., L.A.C., or
F.R.C.S., or otherwise, as the case may be).

Mem.—This is to be kept by the parent or other person to whom it is given.

(a) *This must not exceed two calendar months from the date of the certificate.*

(C).¹

I, the undersigned, hereby certify, that I have times unsuccessfully vaccinated the child of
of in the parish or township
in the county or borough of
aged , [or that the child has already had small-pox,
as the case may be,] and I am of opinion that such child is
insusceptible of successful vaccination.

Dated this day of 18

(signed) A.B.,
Public Vaccinator of the Union
or Parish.

or A.B., of
Medical Practitioner (i.e. M.D., L.A.C., or
F.R.C.S., or otherwise, as the case may be).

Mem.—This is to be kept by the parent or other person to whom it is given.

¹ See s. 20, ante, and also s. 34, ante.

(D).⁴

I, the undersigned, hereby certify, that
 the child of _____ aged _____ of _____ in the
 parish or township of _____ in the county or borough
 of _____ has been successfully vaccinated by me.

Dated this _____ day of _____ 18

(signed) *A.B.*,
 Public Vaccinator of the _____ Union
 or Parish.

or *A.B.*, _____ of
 Medical Practitioner (i.e. M.D., L.A.C., or
 F.R.C.S., or otherwise, as the case may be).

NOTICE.—*This certificate is to be transmitted within twenty-one days from the performance of the operation by the public vaccinator to the registrar of the district in which the birth was registered, or, if that be not known to him, to the registrar of the district in which the operation was performed. A duplicate is to be given to the parent, or other person procuring the vaccination, if requested.*

When the vaccination is performed by a medical practitioner, not the public vaccinator of the district, he is to fill up and sign this certificate, and the parent or such other person is within the same time to transmit it to the registrar with whom the birth was registered, or, if his district be not known to such parent or other person, to the registrar of the district in which the operation was performed.

The transmission may be by post or otherwise.

*In each case the Vaccination Act of 1867 imposes a penalty of twenty shillings for default.*⁵

⁴ See ss. 21 and 23, s. 24 and s. 34, with the notes thereon, *ante*.

⁵ See s. 30, *ante*.

places at which attendance will be given for the purposes of Vaccination:—

1. Public Vaccina- tor appointed by the Guardians.	Times.				Places.
	Days of the Week.	Hours of the Day.			
		Every	From		
2. Vaccinators appointed by the Lords of the Privy Council.					
Mr. Cooper . . .	Tuesday	12	1		Great Northern Hospi- tal, Caledonian Road, Islington.
„ Lewis	Monday, Thursday .	10	11		18, Fort Street, Spital Square.
„ Lewis	Tuesday	9	11		1, Well Street, Well- close Square.
„ Macann	Monday	10	11		22, King Street, Port- man Square.
„ Marson	Tuesday, Thursday .	1	2		Surrey Chapel, Black- friars Road.
Dr. Sharpe	Tuesday	10	11		159, Grange Road, Ber- mondsey.
„ Pearse	Monday, Wednesday	1	2		Tottenham Crt. Chapel, Tottenham Court Rd.
Mr. Tomkins . . .	Daily	10	11		16, Fitzroy Street, Fitz- roy Square.
„ Wade	Monday	9	11		68, Dean Street, Soho.

I further give you Notice, that when the operation shall have been performed, the Child is to be taken to the Vaccinator upon the same day in the following week, as required by section 17 of the Act.

Dated this _____ day of _____ 18

(Signature of Registrar) _____

Registrar of Births and Deaths for the Sub-District
of _____, in the District of _____

Address by Post { _____

THE VACCINATION ACT OF 1867.

(30 & 31 Victoria, cap. 84).

FORM (B).

MEDICAL CERTIFICATE OF UNFITNESS FOR SUCCESSFUL VACCINATION.

Directions for filling [To be delivered (pursuant to section 18) to the
up this Certificate. Father or Mother of an unvaccinated Child, or to
the person having the custody of such Child].

Insert in the several
blank spaces the fol-
lowing particulars:—

I, the undersigned, hereby certify, that I am of

¹ Child's Name and opinion that¹ _____
Surname.

² Father's or (if the _____ the Child of² _____
Child be illegitimate)
Mother's Name and of³ _____ (and residing at No _____
Surname.

³ Parent's residence in _____ Street) in the Parish or
(if in a Town, insert
the No. of the House, Township of _____ in the
the Street, and the County or Borough of _____
'Town), and County
or Borough. aged⁴ _____ is not now in a fit and proper

⁴ Child's Age. state to be successfully Vaccinated. I do hereby

⁵ Date to which the postpone the Vaccination until the⁵ _____
Vaccination is post- day of _____ (a).
poned.

⁶ Date of Certi- Dated this⁶ _____ day of _____ 18
cate.

(Signature of the person }
certifying. }

Add "Public Vaccinator of the
Union or Parish of _____,"
or "Medical Practitioner of
_____" and add
professional titles (i.e. M.D.,
L.A.C., or F.R.C.S., or other-
wise as the case may be).

MEM.—This is to be kept by the Parent or other person to whom it is
given.

(a). This must not exceed two calendar months from the date of the Cer-
tificate.

THE VACCINATION ACT OF 1867.

(30 & 31 Victoria, cap. 84).

FORM (C).

MEDICAL CERTIFICATE OF INSUSCEPTIBILITY OF SUCCESSFUL VACCINATION.

Directions for filling up this Certificate. [To be delivered (pursuant to section 20) to the Father or Mother of the Child, or to the Person having the custody of such Child.]

Insert in the several blank spaces the following particulars:—

I, the undersigned, hereby certify that I have

¹ The number of _____ times unsuccessfully Vaccinated times.

² Child's Name and Surname. _____ the Child

³ Father's or (if the Child be illegitimate) Mother's Name and Surname. _____ of _____ of _____ (and

⁴ Parent's residence (if in a Town, insert the No. of the House, the Street, and the Town), and County or Borough. _____ residing at No. _____ in _____ Street), in the Parish or Township of _____ in the County _____ or Borough of _____, aged ⁵ _____ [or that the Child has already had Small-pox, as the case may be], and I am of opinion that such

⁵ Child's Age. _____ Child is insusceptible of Successful Vaccination.

⁶ Date of Certificate. Dated this _____ day of _____ 18 _____

(Signature of the person }
certifying.) _____

Add "Public Vaccinator of the Union or Parish of _____,"
or "Medical Practitioner of _____"
professional titles (i.e. M.D.,
L.A.C., or F.R.C.S., or otherwise, as the case may be). } _____

MEM.—This is to be kept by the Parent or other person to whom it is given.

THE VACCINATION ACT OF 1867.

(30 & 31 Victoria, cap. 84).

FORM (D).

MEDICAL CERTIFICATE OF SUCCESSFUL
VACCINATION.

The Registrar to insert the No. of the Entry of the Child's Birth in the Register Book.

Entry No. }

Directions for filling
up this Certificate.

Insert in the several
blank spaces the fol-
lowing particulars:—

¹ Child's Name and
Surname.

² Father's or (if the
Child be illegitimate)
Mother's Name and
Surname.

³ Child's Age.

⁴ The Place of the
Birth (if in a Town
insert the No. of the
House, the Street,
and the Town), and
also the County or
Borough.

⁵ Date of Certifi-
cate.

I, the undersigned, hereby certify, that ¹ _____
the Child of ² _____, aged ³ _____
[stated to have been born at ⁴ No. _____ in _____
Street], in the Parish or Township of _____
in the County or Borough of _____ has been
successfully Vaccinated by me.

Dated this ⁵ _____ day of _____ 18

(Signature of the person }
certifying. }

Add " Public Vaccinator of the
Union or Parish of _____"
or " Medical Practitioner of
_____ " and add
professional titles (i.e. M.D.,
L.A.C., or F.B.C.S., or other-
wise, as the case may be).

NOTICE.—This Certificate is to be transmitted within Twenty-one days from the performance of the operation by the Public Vaccinator to the Registrar of the District in which the Birth was registered, or, if that be not known to him, to the Registrar of the District in which the operation was performed. A Duplicate is to be given to the Parent or other Person procuring the Vaccination, if requested.

When the Vaccination is performed by a Medical Practitioner, not the Public Vaccinator of the District, he is to fill up and sign this Certificate, and the Parent or such other Person is within the same time to transmit it to the Registrar with whom the Birth was registered, or if his District be not known to such Parent or other Person, to the Registrar of the District in which the operation was performed.

The transmission may be by post or otherwise.

In each case the Vaccination Act of 1867 imposes a penalty of Twenty shillings for default.

For name and address of Registrar who registered the Birth, see the other side hereof.

APPENDIX (A).

2. *Circular to Registrars of Birth and Deaths, relating to*
16 & 17 VICT. c. 100.GENERAL REGISTER OFFICE,
29th September 1853.

SIR,

I herewith transmit to you, by direction of the Registrar-General, a copy of the Act of 16 & 17 Vict. c. 100, "Further to extend and make compulsory the Practice of Vaccination," and I beg to call your especial attention to clauses 4, 8, 9 and 11, being those which more particularly concern you as a registrar of births and deaths.

By this Act you are constituted the registrar of *all vaccinations successfully performed within your sub-district*, upon children born, it matters not where, since 1st August last (section 2): with a view to your being made acquainted with every such case, it is enacted (in section 4) that—

"Immediately after the successful vaccination of any child, the medical officer or practitioner who shall have performed the operation, shall deliver to the father or mother of the said child, or to the person who shall have the care, nurture or custody of the said child, a certificate under his hand, according to the form" of schedule (A) annexed to the Act, "that the said child has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the registrar of births and deaths of the sub-district in which the operation was performed."

By clause 8 it is provided that—

"The registrar of births and deaths in every sub-district in which the operation has been performed, shall keep a register of the persons of whose successful vaccination a certificate shall have been transmitted to him as above provided by the said medical officer or practitioner."

Section 9 contains the following direction:—

"The registrar of births and deaths in every sub-district shall, on or within seven days after the registration of the birth of any child not already vaccinated within the said sub-district, give notice in writing in manner hereinafter directed, and according to the

form of schedule hereinafter inserted marked (C), to the father or mother of such child, or in the event of the death, illness, absence or inability from sickness or otherwise of the father and mother, then to the person upon whom the care, nurture or custody of such child shall have devolved, that it is the duty of such father or mother, or person having the care, nurture or custody of such child as aforesaid, to take care that the said child shall be vaccinated in the manner directed by this Act; and shall, together therewith, deliver to such person a notice of the days, hours and places within the district of such registrar at which the medical officer or practitioner, as hereinbefore provided, will attend for the purpose of vaccination."

And by section 10, the registrar is directed to keep a book (to be provided by the Registrar-General), containing a minute of his having duly given such notice as is mentioned in the immediately preceding section.

These are the chief clauses which impose upon you an official responsibility, so that your duties under the Act in question will be limited to the following :—

- (1). Upon or within seven days after the registration by you of the birth of any child *then alive and that has not already been vaccinated*, you will give to one of the parents, or to the person in care of the child, a copy of the notice set forth in schedule (C).
- (2). You will also, along with such notice, give to the same person a *second* notice specifying the particular times and places appointed for the vaccination of children residing in your sub-district.
- (3). You are to keep a book (clause 10), and to make a minute therein of your having duly given every such notice as aforesaid; and
- (4). Upon receiving from any medical officer or practitioner, a duplicate certificate of the successful vaccination of any child in your sub-district, you are to enter the same in the "Register of Successful Vaccinations," as hereinafter mentioned.

By carefully attending to the instructions herein given, it is hoped and believed that you will find no difficulty in discharging these several duties with facility.

The "Notices" (1 and 2) above alluded to, which it will be incumbent upon you to give on registering the birth of every unvaccinated living child, are included in one form, headed "Notice of the Requirement of Vaccination;" and of these forms you will herewith receive a number sufficient to serve you

for a period of about two years. In filling them up you will carefully follow the "Directions" contained in the references.

It must, however, be observed with respect to the *second* notice—that of the "Times and Places appointed for Vaccination"—that the particulars to be included in it will have to be furnished to you from time to time by the *guardians or overseers of the poor*, as provided in section 1, and to *them only* the Registrar-General must refer you for such particulars. From these, and from the information to be thus obtained, you will fill up the blanks in the tabular form at the foot of the "Notice of the Requirement of Vaccination," before you deliver it to the father or mother or person in charge of the child. Should the guardians or overseers, however, so far study your convenience as to furnish you at any time with a gratuitous supply of *printed* notices of the appointed "Times and Places," or if you should think proper to have them printed at your own cost (which of course you are at liberty to do), you will in either of those cases deliver one of such printed notices of appointed "Times and Places," along with the "Notice of the Requirement of Vaccination," and leave the tabular form at the foot of the last mentioned notice *blank*.

The Minute Book (3) to be kept by you pursuant to section 10, and the Register to be kept under section 8, are included together in a book entitled "THE REGISTER OF SUCCESSFUL VACCINATIONS."

One of these Vaccination Register books you will receive herewith; and for more specific directions as to the manner in which entries are to be made therein by you, I am to refer you to the printed "Instructions," and also to the "Examples" which you will find at its commencement. By careful attention to *these*, the Registrar-General trusts that you will experience no difficulty in performing this part of your duty.

On perusing the "Instructions" you will perceive that it will be incumbent on you to copy into columns 1 to 7 of the Register of Successful Vaccinations—under division 1—certain extracts from your register book of births, with respect to *every unvaccinated living child whose birth you register*; that in columns 8 and 9—under division 2—you are to make a *MINUTE* of each notice given by you at the time of registration of the birth, or within seven days after, pursuant to section 9; and that subsequently you will have to enter—in division 3—the particulars indicated in the heading of columns 10 and 11, from certificates of successful vaccination which you will receive from medical men. These certificates you must bear in mind will relate not only to children born and registered in your own district, but occasionally also to children *born in the districts of other registrars*, and sometimes to children whose births, although they

occurred in your district, may have escaped registration altogether. "Examples" of the manner in which these various cases are to be entered by you in the "Register of Successful Vaccinations," will be found at the commencement of that book.

It only remains to add the few following miscellaneous remarks:—

1. The "Register of Vaccinations" book must be carefully preserved by you as an official record: the public will be entitled to demand access to it at all reasonable times and to search for any entry or entries therein on payment of a fee of *one shilling* for each search (that is, for each search of all or any of the entries contained in the book), and also to have a copy, certified under your hand, of any entry therein on payment of *sixpence*.

2. FEES.—The remuneration to which you will become entitled under this Act, is specified in section 10, and consists of a fee of *THREEPENCE* for each child successfully vaccinated in respect of which you shall have performed the duties thereby required.

These duties will attach with respect to children belonging to each of the following classes, namely,—

- (a) Children born and vaccinated in your district, whose births had been registered *previous* to vaccination.
- (b) Children born and vaccinated in your district, whose births were registered *subsequent* to vaccination.
- (c) Children born and vaccinated in your district, whose births have *not been registered at all*.
- (d) Children vaccinated in your district, whose births occurred *in some other district*.

In each of these four cases you will be entitled to a fee of threepence on duly registering the successful vaccination of the child from a duplicate medical certificate (schedule A); but in doing so, you must be careful to follow the "Instructions" and "Examples" applicable to each case, which are to be found at the commencement of the Vaccination Register book.

Therefore, in case (a) you will make the entry in the Vaccination Register in accordance with the first example.

In case (b) you will conform to the fifth example.

In case (c) the entry must be made according to the sixth example.

And in case (d) you will follow the fourth example.

But it is very essential you should bear in mind, that *in neither of the cases above mentioned will the fee of threepence be payable unless a certificate of successful vaccination shall have been received and entered by you* in the last two columns of the register.

These fees (by section 10) are payable in the same manner as the fees for the registration of births,—that is—out of the monies

raised for the relief of the poor; and in order to your obtaining payment of them, it is recommended that you keep carefully all the "certificates of successful vaccination" which you receive from time to time from medical practitioners, as they will probably have to be produced by you as vouchers, and given up to the guardians or overseers of the poor by whom the fees are payable.

It is presumed that these payments will be made to you quarterly, along with those to which you may be entitled for the registration of births and deaths.

Should any unforeseen question or doubt hereafter arise between you and the guardians or overseers respecting the sums accruing due to you from time to time under the provisions of this Act, either as to the payment of them in the first instance, or as to their subsequent apportionment among the different parishes or places in your sub-district, the Registrar-General presumes that the proper course for you to adopt in any such case will be to seek advice and direction from the Poor Law Board. Questions like these, involving the due administration of the union or parochial funds, may, it is conceived, be referred with greater propriety to that department than to the Registrar-General, who has no authority whatever to decide them.

3. POSTAGE.—The Registrar-General has caused it to be intimated to all medical practitioners that whenever the duplicate certificate of successful vaccination which they are required to give to the registrar, pursuant to section 4, *cannot* be delivered to him *in person*, they may transmit it to that officer by the post, *leaving the postage unpaid*. Such cases no doubt will occasionally occur; and I am therefore to request that you will on no account refuse to receive unpaid letters, notices, or other communications addressed to you on the subject of this Act and forwarded through the post, but that you will pay the postage, keep a separate account of it, and charge the amount to the Registrar-General, who will cause it to be repaid to you quarterly or otherwise, as an incidental expense.

4. I have only in conclusion to state that whenever you may be in want of a fresh supply of "Vaccination Notices," or a "Vaccination Register Book," it will be forwarded to you direct from the General Register Office on your written application.

Accompanying this circular is the form of an acknowledgment of the receipt by you of the documents now sent, which form you will have the goodness to sign and return to the Registrar-General, having previously filled up the blanks therein.

I am, Sir, your obedient servant,

THOS. MANN,

Chief Clerk.

To the Registrar of Births and Deaths.

APPENDIX (A).

3. *Extract from Circular to Registrars of Births and Deaths, relating to 16 & 17 VICT. c. 100.*

GENERAL REGISTER OFFICE,
4th October 1853.

SIR,

• • • • •

I take this opportunity of adding that the name of the superintendent registrar's district in which you are acting, and also that of your sub-district, should be written in legible characters in the margin of the first page of the Register of Successful Vaccinations (namely, the page containing "Instructions to Registrars of Births and Deaths.") The Register Book itself, when filled, will remain in your custody until further instructions are given as to its ultimate disposal.

I am, Sir, your obedient servant,

THOS. MANN,
Chief Clerk.

Mr. , Registrar.

APPENDIX (A).

II. POOR LAW BOARD, AND PRIVY COUNCIL.

4. *Circular issued by the Poor Law Board, 31st December 1867, relating to 30 & 31 VICT. c. 84.*

POOR LAW BOARD,
WHITEHALL, S.W.,
31st December, 1867.

SIR,

I am directed by the Poor Law Board to bring before the Guardians such provisions of the Vaccination Act passed in the last session of Parliament as relate to them.

The Act comes into operation on the 1st day of next month.

From and after that day all previous Acts relating to vaccina-

tion are repealed, except in regard to divisions and districts of unions and parishes previously made, all contracts entered into under previous statutes then in force, all acts and proceedings commenced under them, but not completed, and all liabilities and responsibilities incurred under them. All these matters are to remain in full force notwithstanding the repeal of the Acts.

But the new Act proceeds to provide that the Guardians of every union or parish, where the same shall not have been divided into districts for the purpose of vaccination, shall (unless such union or parish respectively shall be of so limited an area as not to require subdivision, in which case the same shall be treated as a vaccination district) forthwith divide their union or parish into districts for vaccination.

This provision applies to those unions or parishes where at present there has been no division into districts.

But when the Poor Law Board shall, by their order, require any districts for the time being to be consolidated or otherwise altered, the guardians shall proceed to consolidate or alter the same.

This provision applies as well to unions and parishes where districts have been already made, as to cases which may arise hereafter.

The guardians, however, shall, in every case of division, consolidation or alteration, report their proposal to the Poor Law Board, for their approval.

Again, the guardians may of their own motion, but with the like approval, from time to time, as they shall find it requisite, alter the districts formed for the purpose of vaccination.

Such are the provisions of the second section.

If the Board disapprove of the proposal the guardians must proceed to form another, until the Board approve.

When the proposal is approved, the guardians are required to enter into a contract with some duly registered medical practitioner for the performance of vaccination of all persons resident *within each district* (not, as heretofore, *within the union*).

Such medical practitioner is to be termed "The Public Vaccinator" of the district.

And as and when the existing contracts shall determine, the Guardians shall enter into others with such modifications as the circumstances shall render necessary, subject to the approval of the Poor Law Board.

Such are the provisions of section 3.

The previous contracts have been framed in conformity with a General Order issued by the Poor Law Board, and dated November 30, 1853. The Board are about to rescind that General Order and issue another in conformity with the provisions of this Act.

Section 4 provides that no person shall be appointed a public vaccinator, or act as deputy for a public vaccinator, who shall not possess the qualification heretofore prescribed by the Privy Council, or such as shall be from time to time hereafter prescribed by them, except when such Lords shall, upon sufficient cause, sanction any departure from their directions.

The regulations now in force relating to the qualification of public vaccinators and their deputies are contained in the Order of the Privy Council, dated the 1st day of December, 1859, which was circulated among all Boards of Guardians at the time when it was issued.

The section proceeds to enact that all such regulations as the said Lords have heretofore made or shall hereafter make to secure the efficient performance of vaccination, or the provision and supply of vaccine lymph by the public vaccinator, and all such directions or regulations as they may issue in relation to small-pox, shall be duly observed by the several persons to whom they apply.

In the Order of the Privy Council above referred to will be found certain regulations on this subject, and certain instructions for the vaccinators engaged under the contracts accompanied the Order.

Section 5 empowers the Privy Council to make extra payments to public vaccinators for efficient vaccination.

In section 6 a new scale of fees is prescribed for vaccination, in lieu of those prescribed by the previous Act.

It is now provided that every contract shall provide for payment in respect only of the successful vaccinations of persons; and it is enacted that the rate of payment for *primary vaccinations* shall be not less than according to the following scale:—

For every such vaccination done at an appointed station situated at or within *one* mile from the *residence* of the vaccinator, or in the workhouse, not less than one shilling and sixpence;

At any station over *one* mile and under *two* miles distant from his residence, not less than two shillings;

At any station over *two* miles, not less than three shillings.

These distances are to be measured according to the nearest *public carriage* road.

In regard to vaccinations performed elsewhere than at a station or in the workhouse, the payment shall be according to the terms specified in the contract as approved of by the Poor Law Board.

The Board understand this change to apply to contracts to be made after this Act comes into operation, and consequently it will be open to the guardians, and to the medical practitioners with whom they have contracted, forthwith to determine the

contract when the fees are below the scale above set forth, and to enter into a new one.

The guardians are required by section 7, with the consent of the Poor Law Board, to make stipulations and conditions in their contracts to secure the due vaccination of persons, the observance of the provisions of that Act with regard to the transmission of the certificate of successful vaccination, and the fulfilment of all other provisions of the Act by the public vaccinator.

Hitherto it was considered that, as the previous Act required the payments to be made as therein specified, the guardians could not modify the mode of making the payments by imposing any conditions. Henceforth this difficulty will be removed.

The guardians are by this clause required to provide all the vaccination stations other than the surgery or residence of the public vaccinator.

The Act then provides for *Re-vaccination*, a subject upon which much dissatisfaction has often been expressed.

After the 31st instant, the provisions of the existing contracts shall not apply to the cases of persons re-vaccinated. But the guardians shall pay, in respect of every case of successful re-vaccination performed in conformity with the regulations of the Privy Council in respect thereof, a sum amounting to two-thirds of the fee payable for successful primary vaccination.

The Privy Council, as the guardians will remember, have already issued regulations on the subject of re-vaccination.

By section 9 no contract for vaccination will be valid until approved of by this Board, who may at any time determine a contract which may have been approved of.

Section 10 renders the payment out of the common fund of the union or the poor rate, or any such public or parochial fund, on account of vaccination, illegal, if this Board have not approved of the contract for its performance.

Section 11 removes a cause of much dissatisfaction in many persons, by prohibiting a public vaccinator from being paid for the vaccination or re-vaccination of any child or other person resident out of his district.

There are, however, three exceptions :—

1. Where there is a vacancy in the office of vaccinator in the adjoining district.
2. Where the vaccinator therein makes default, and the guardians give the vaccinator of the adjoining district notice thereof in writing.
3. When a relieving officer of his union or parish shall in writing refer any child to him for vaccination.

The circumstances of some unions are so peculiar that it has been found difficult to make such arrangements for the perform-

ance of vaccination therein as would be in conformity with the general provisions of the previous Acts; and this difficulty has been removed by the enactment of section 12, which enables the guardians, with the consent of the Poor Law Board, to provide, in districts where the population is scanty or much scattered, or where some peculiar circumstances may render it expedient for them to do so, for the attendance of the public vaccinator at the appointed places after intervals exceeding three months.

The 13th section requires the guardians to give public notice of every alteration which they make of the district or in the local arrangements for vaccination, by printed papers affixed in the district affected by such alteration, for *one month* prior to the alteration taking effect.

The Registrar-General for England and Wales is required to provide all the requisite books and forms to be used under the Act.

A series of sections, from 15 to 23 inclusive, provide for the vaccination of children, by notice from the registrar on the registration of the birth; by compulsory injunction upon the parent or other person having the custody of any child to have the vaccination performed; by requiring inspection, after an interval, of the vaccination performed; by making provisions for cases where the child is temporarily unfit for vaccination, and where it is insusceptible of successful vaccination; by requiring certificates of successful vaccination to be transmitted to the registrar of births in the district where the birth was registered, or otherwise to the registrar of the district in which the operation was performed; and by requiring the transmission of the certificate by the parent, or such other person as above referred to, in cases where the vaccination has been performed by a medical practitioner not being the public vaccinator.

The vaccination by the public vaccinator and the giving of any certificate or duplicate certificate by him are to be *gratuitous*, so far as regards the person vaccinated, or his parent or guardian. The public vaccinator is prohibited from being paid by the guardians, under his contract, for any vaccination for which he shall have been paid by any other person, and if he be paid under his contract he shall not recover payment for the vaccination from any other person. Section 22.

Every registrar is required to keep a book in which he is to enter minutes of notices given by him, and to register the certificates transmitted to him; he is to allow searches and give copies on demand, on payment of a fee of *sixpence* for each search, and *threepence* for each copy.

He is to receive a fee of *one penny* in respect of each registered child in respect of which he shall have given the notice above referred to, and another fee of *threepence* in respect of every

such child whose certificate of successful vaccination he shall have registered, and a fee of *one penny* where he shall register the certificate, not having registered the birth.

No fee is to be paid for searches made by any officer of the guardians authorised by them or by certain other official authorities. Section 24.

He is to make out his account of fees at the usual quarter days of the year, and submit the same to the guardians; and they shall, after examining the same and comparing it with the Register of Successful Vaccinations kept by him, forthwith pay the same. Section 25.

The guardians of unions formed under the Poor Law Amendment Act, 1834, will remember that by the statute 28 & 29 Vict. c. 79, section 1, all charges incurred by them in respect of vaccination are charged upon the common fund of the union.

By section 26 it is declared that vaccination performed by the public vaccinator shall not be deemed parochial relief, so as to operate as a disqualification.

The next (section 27) is a most important clause, and imposes a serious duty upon the guardians.

The registrar of each district shall, within one week after the 1st day of January and the 1st day of July in every year, make a list of all cases in which certificates of vaccination have not been duly received by him during the last preceding half-year, and shall submit the same to the guardians, who shall forthwith make inquiry into the circumstances of the cases contained in the list, and if they find that the provisions of the Act have been neglected, shall cause proceedings to be taken against the persons in default.

This default may consist of the neglect of vaccination, or in the neglect to transmit the certificates of vaccination; and the Board recommend the guardians to draw the attention of the vaccinators with whom they have contracted to this and the subsequent penal clause.

To remove all question as to the power of the guardians to act in this matter with effect, the 28th section enables them to pay all reasonable expenses incurred by them in causing notices to be printed and circulated as to the provisions of this Act, and in and about inquiries and reports as to the state of small-pox or vaccination in their union or parish, and in taking measures to prevent the spread of small-pox, and to promote vaccination upon any actual or expected outbreak of that disease therein, and to pay any officer appointed by them to prosecute persons charged with offences against the Act, or otherwise to enforce its provisions.

It will be open to the guardians to determine how far they will, either temporarily or for a permanence, act upon this last

provision ; but the Board invite their attention to the remarks on this part of the Act contained in the accompanying paper.

Sections 29 and 33 prescribe the penalties to be recovered upon summary convictions upon parents and the persons already referred to who neglect to have the children vaccinated, and upon the public vaccinators and parents respectively who neglect to transmit the certificates in due time, and upon persons who wilfully sign false certificates.

The 31st clause is one of much importance, and requires the special attention of the guardians.

The former provisions of this Act have hitherto dealt with children within three months of their birth, requiring them to be vaccinated within that time, and imposing penalties upon persons guilty of neglect during that period, but there is no provision to require vaccination afterwards, though the subsequent vaccination is not prohibited.

The 31st section, however, provides that if any registrar or any officer appointed by the guardians to enforce the provisions of the Act shall give information in writing to a justice of the peace that he has reason to believe that any child under the age of fourteen, being within the union or parish for which the informant acts, has not been successfully vaccinated, and that he has given notice to the parent or person having the custody of such child to procure its being vaccinated, and that this notice has been disregarded, the justice may summon such parent or person to appear with the child before him at a certain time and place; and upon the appearance, if the justice find that the child has not been vaccinated or had the small-pox, he may make an order directing the child to be vaccinated within a certain time, and upon default the person upon whom the order has been made shall be liable to a penalty of *twenty* shillings.

If the party be improperly brought before the justice, and no order be made, the justice may order compensation to the person to be made for expenses and loss of time.

This clause will enable vaccination of children to be enforced after the period of infancy above adverted to. The guardians, however, will observe that care must be taken that no cases be brought before the justices without previous notice, and without cautious and full investigation.

The 32nd repeats the prohibition contained in previous Acts upon persons who inoculate with small-pox.

Sections 33 and 34 contain provisions regarding the procedure and the evidence in prosecutions, and in section 35 there is an interpretation of certain terms used in the Act.

The schedule to the Act contains the forms of notices and certificates, which, as already noticed, are to be supplied by the Registrar-General, and need not, therefore, be set out here.

In conclusion, I have to state that the Registrar-General, on the 1st ultimo, transmitted a full letter of instructions to the registrars in reference to this Act, and that the Lords of Her Majesty's Council have addressed a communication to this Board, from which the accompanying extracts have been made, and are now transmitted for the perusal of the guardians.

I am, your obedient servant,

W. G. LUMLEY,

Assistant Secretary.

To the Clerk to the Guardians.

(Enclosure.)

Extracts from a Letter from the Medical Department of the Privy Council, addressed to the Poor Law Board, dated December 7th, 1867.

I.—It seems in their Lordships' opinion important, first of all, to impress very distinctly upon the guardians that now, under section 27 of the Act, they are bound to ascertain at stated intervals whether the Act has or has not been complied with by the parents, etc., of children whose births have been registered within the union, and, in cases of neglect, to take such steps as shall ensure compliance.

For this purpose, as will be seen, lists of persons presumed to be in default are to be delivered half-yearly to the guardians by the registrars of the respective districts in the first week of January and first week of July in each year. The first of these lists will be due in July next; and guardians ought to consider in the meanwhile how the requirements of the Act as to dealing with such lists may best be carried out. It appears to their Lordships that in any district it will be difficult, and in any populous district impossible, for guardians to give full effect to the intention of the Legislature, unless they appoint a paid officer or officers to make the requisite inquiries and to take such further proceedings as the statute requires. The services of such an officer are desirable, moreover, and, in fact, almost indispensable for giving proper effect to section 31. For in most districts there will be found, in larger or smaller numbers, unvaccinated children whose births have escaped registration, unvaccinated children who have come in from other districts, and (for some time to come) unvaccinated children born before this Act comes

into operation; and the duties of a vaccination officer will apply to all these cases. He ought to find them out, to give notice to the parent, etc., requiring the vaccination to be done within a certain period, and to take such further course as may be required to give effect to the section.

My Lords further think that if the Act is to succeed fully according to its intention, every officer appointed as above should be instructed to keep himself constantly informed of the progress of vaccination in his district as compared with the local birth registers. If this were systematically done, and if the practice were adopted of sending a notice of default to every parent as soon as the default arose, few cases would remain to be reported half-yearly to the local authority. It is evident that a registrar of births has, from the nature of that appointment, peculiar facilities for acting as vaccination officer to the guardians. But, of course, in certain cases there may be reasons why this appointment should not be made. And for cases where the vaccination officer of the guardians is not the registrar of births, it is to be remembered that under section 24 of the Act the vaccinating officer, as such, has access to the registrar's vaccination book.

The instructions of the vaccination officer should have special reference to any proceedings that may be necessary for carrying into effect clause 17.

II.—Next, as regards the local arrangements for vaccination:—

(a). By sections 2 and 3 the guardians of any union may be required to revise the present divisions of their respective unions, and to consolidate or otherwise alter existing districts. The class of unions that will be chiefly affected by these sections are urban unions, at present so subdivided as injuriously to affect the performance of public vaccination; and my Lords presume that local arrangements will have now to be brought into conformity with the principles laid down in the memorandum issued by the Council Office "on subdivision of vaccination:"—

- (1). That, except at times when there is immediate danger of small-pox, vaccination be not appointed to be performed at any station oftener than once a week;
- (2). That, except at times when there is immediate danger of small-pox, or for special reason in individual cases, vaccination in town districts (unless it be of private patients) be performed only at the public station.
- (3). That, as opportunity offers, especially in urban unions and parishes, all unnecessary subdivision of public vaccination among many districts or stations be discontinued; and that in populous towns, unless under special circum-

stances, subdivision be not made beyond the point where each vaccinating station will have annually at least 500 applicants for vaccination.

(b). The intention of the Act (sections 3 and 11) is to have for each vaccinating district one responsible public vaccinator. This arrangement is at present the usual one; and in cases where it does not yet prevail the guardians ought at once to consider the expediency of determining the present contracts, and of making new contracts to the effect intended by the present law.

(c). The duties which devolve upon public vaccinators under the contracts will no doubt be defined by the contracts; but here again, with particular reference to the attendances specified in the schedules, my Lords hope that the guardians will not be permitted to overlook the rules essential for the proper performance of vaccination.

(1). Vaccination should not be appointed to be performed at any station oftener than once a week.

(2). Where, as in rural and wide-spread districts, provision has to be made for attendance at more than one station in a district, it is only at the principal station that a weekly attendance should be given, and the attendances at the other or subsidiary stations should be for a certain number of consecutive weeks at two or three stated seasons of the year; and

(3). Where the population of the district is so sparse that there is not a resident public vaccinator, the Poor Law Board will, my Lords presume, sanction an arrangement (under clause 12) for attendance at fixed periods of the year only. An essential condition of success of a vaccination station is that the attendances shall be in fair proportion to the number of children likely to be brought annually to the station for vaccination.

In addition to the reasons advanced, there is another why the schedules should be revised. The new law is very stringent in requiring the attendance of parents; and it is of the utmost importance that the attendance of the vaccinators, in conformity with the announcements made to parents, should be punctually given. To effect this my Lords are of opinion that the attendances to be fixed in contracts should be such as vaccinators can reasonably be expected to adhere to.

APPENDIX (A).

5. *Circular of the Poor Law Board.*

POOR LAW BOARD,
WHITEHALL, S.W.
18th February 1868.

SIR,

I am directed by the Poor Law Board to transmit to you herewith a copy of a General Order which they have issued, prescribing a new Form of Contract to be entered into by the guardians with medical practitioners to carry into execution the provisions of the recent Act upon Vaccination, which formed the subject of the Board's communication to the guardians on the 31st day of December last.

The Board also transmit, upon the suggestion of the Lords of Her Majesty's Privy Council, a copy of certain regulations which their Lordships have recently issued under that Act, for the information and guidance of the guardians and the public vaccinators in their union.

I am, Sir, your obedient servant,

G. SCLATER-BOOTH,
Secretary.

To the Clerk to the Guardians.

To the Guardians of the Poor of the several Unions named in the schedule (C) hereunto annexed—

To the Clerk or Clerks to the Justices of the Petty Sessions held for the Division or Divisions in which the said Unions are respectively situate—

And to all others whom it may concern.

WHEREAS the Poor Law Board, by a General Order bearing date the Thirtieth day of November, one thousand eight hundred and fifty-three, and divers other orders in that behalf, addressed to the Guardians of the Poor of the several unions named in the schedule (C) hereunto annexed, did prescribe certain forms of

And whereas by reason of the passing of "The Vaccination Act, 1867," it is expedient that such Forms of Contract should be altered and modified, and that, with respect to all future contracts, the said several orders should be rescinded.

And We hereby further order and direct, with reference to all the said unions, that the following form of contract, with such modifications as the guardians, with the approval of the Poor Law Board, may determine upon, shall be adopted by the said guardians in making future contracts with the medical officers of the said unions, or other legally qualified medical practitioners therein, under the provisions of the above-recited Acts;

WHEREAS the said Guardians have, in pursuance of the several statutes in that behalf, with the approval of the Poor Law Board, divided the union aforesaid into districts, for the purpose of vaccination, one of which districts comprises the parishes and places following: that is to say,

Now, therefore, the said _____ doth hereby covenant and agree with the said guardians and their successors, that from and after the _____ day of _____ he will attend by himself or some medical practitioner legally qualified for that purpose as his substitute, at the times and

places mentioned in the said schedule (A), or at such other times and places as the said guardians shall, with the consent of the Poor Law Board, determine and cause to be indorsed hereon, and will then and there duly and according to the requirements of the law vaccinate every person resident in the district aforesaid who shall apply to or be brought to him for the purpose of being vaccinated, and will do and perform all such acts and things as to the best of his judgment and in accordance with such requirements shall seem necessary for the purpose of causing such vaccination to be successfully terminated;

And will in like manner vaccinate any child resident out of his district whom any relieving officer of the said union shall in writing refer to him for vaccination;

And will attend at the times and places mentioned in the said schedule (A) to inspect the results of such vaccination in the persons so vaccinated, and will duly inspect such persons accordingly, and do such acts and give such directions and otherwise treat the cases as upon such inspection shall appear to him to be necessary;

And will keep a book to be termed "The Vaccinator's Register," to be provided for him by the said guardians, and will, as soon as practicable after he shall have vaccinated any person to whom this contract shall apply, and as soon as practicable after he shall have inspected the results of the vaccination of such person, make the entries respectively applicable to the vaccination and the inspection of the results described in the form set forth in the schedule (B) hereto annexed, and will, on the day next before the first ordinary meeting of the said guardians in every calendar month [*or quarter of a year, as may be agreed upon between the parties*], deliver or cause to be delivered to their clerk the book in which he shall have made such entries during the interval preceding such meeting.

And the said guardians do, for themselves and their successors, covenant and agree with the said
as follows; that is to say,—To pay to him, his executors or administrators, within one calendar month after Lady-day, Midsummer-day, Michaelmas-day, and Christmas-day respectively, during the subsistence of this contract, and within one month after its termination, for every person to whom this contract shall apply upon whom, in accordance with the regulations of the Lords of the Council in force at the time, and all other requirements of the law, the operation of primary vaccination shall be successfully performed by the said
at the within mentioned station at _____, the same being situated at [*or within one mile from*] his residence by the nearest public carriage road, the sum of [*here insert the sum agreed upon, not less than 1s. 6d.*]; and for every such per-

son so vaccinated at the within mentioned station at . , the same being situated over one mile and under two miles distant from such residence, the sum of [*here insert the sum agreed upon, not less than 2s. 0d.*]; and for every such person so vaccinated at the within mentioned station at . , the same being situated over two miles from such residence, the sum of [*here insert the sum agreed upon, not less than 3s. 0d.*]; and further, to pay to him, his executors or administrators, at the times hereinbefore mentioned, the sum of . in respect of every person to whom this contract shall apply upon whom the operation of primary vaccination shall be successfully performed in accordance with such regulations and requirements as aforesaid by the said elsewhere than at a station herein mentioned.

And it is hereby mutually agreed by and between the parties hereto, that no sum of money shall be paid to the said .

. in respect of any person, whose name together with the other particulars relating to the case, shall not be duly entered in the said register, except in the case of any omission which shall be explained to the satisfaction of the said guardians.

And it is hereby mutually agreed that this contract may be put an end to by either of the parties hereto on giving twenty-eight days' notice in writing to the other party respectively of the intention to put an end to the same.

[Here must be inserted some other stipulation or condition to which the Poor Law Board shall consent to secure the due vaccination of Persons, the observance of the Provisions of the Vaccination Act with regard to the transmission of the certificate of successful vaccination, and the fulfilment of all other provisions of the said Act on the part of the public vaccinator].

**SCHEDULES REFERRED TO IN THE ABOVE ARTICLES
OF AGREEMENT.**

SCHEDULE (A).

Times and Places appointed for Vaccination and Inspection respectively.			
Times.		Hours of the Day.	Places.
Day of Attendance.			
For Vac- cination.	For Inspection.		
	<i>This must be the same day in the following week.</i>		<p align="center">At the Residence of the said</p> <p>at _____</p> <p>At _____</p> <p>At _____</p>

VACCINATOR'S REGISTER of the _____

Public Vaccinator.

1 No. of case con- secutive to 500, and then to be re- peated.	2 Date of Vacci- nation.	3 Name.	4 In case of Re-vaccina- tion of Adults, and Adolescents successfully vaccinated in early Life, mark R.	5 Age.		6 Place of Resi- dence.	7 Where Vacci- nated.*	8 Name or No. in Register of the subject with whose Lymph the Vaccination is performed ; or insert N.V.E. if the Lymph be sent by the National Vaccine Establishment ; or state other source, if any.
Years.	Months.							

* Whether at the Vaccinator's Residence, or at an appointed

District of the _____ Union.

_____ day of _____ 18

[illegible]

Station (and if so, which), or where else.

In witness whereof the said
hath hereunto set his hand and seal, and the said Guardians
their common seal, the day and year first above written.

Signed, sealed, and delivered }
by the above-named } (L. s.)
in the presence of }

Guardians' seal. { The common seal of the guardians of the
above-named union was hereto affixed at a
meeting of the Board of Guardians, held on
the day of the date hereof by
chairman of the board at the said meeting,
in the presence of

Clerk to the Guardians of the said Union.

SCHEDULE (C).

Names of Unions referred to in the foregoing Order.

*[This Schedule contains the Names of the Unions to which the
Order is addressed.]*

Given under our hands and seal of office, this fifteenth
day of February, in the year one thousand eight
hundred and sixty-eight.

(L. s.)

DEVON,
President.

GATHORNE HARDY.
MARLBOROUGH.

G. SCLATER-BOOTH,
Secretary.

AT THE COUNCIL CHAMBER, WHITEHALL,

*This 18th day of February, 1868,*BY THE LORDS OF HER MAJESTY'S MOST HONOURABLE
PRIVY COUNCIL.

Present :

LORD PRESIDENT. Lord ROBERT MONTAGU. Mr. CAVE.

*To the Guardians of the Poor of all Unions and Parishes,
to all Public Vaccinators, and to all others whom it may
concern.*

THE Lords and others of Her Majesty's Most Honourable Privy Council (of whom the Vice-President of the Committee of the said Privy Council on Education is one) acting under the authority of the Vaccination Act of 1867, and all other authorities in this behalf, do hereby make and issue the following regulations, in addition to those already in force, for securing the efficient performance of public vaccination, and in respect of the revaccination of persons who apply to be revaccinated, that is to say :—

I. PLACES AND TIMES FOR VACCINATION UNDER
CONTRACT.

1. Except where the Privy Council, for reasons brought to its notice, sees fit in regard of any particular district to sanction a system of domiciliary vaccination, every vaccination district shall have in it at least one public station appointed for the performance of the vaccinations under contract; and where any such station has been provided for a district, no person resident within two miles thereof, and not being an inmate of the workhouse, shall be vaccinated under contract elsewhere than at such a station, unless the vaccinator in the particular case be of opinion (which, if so, he is hereby required to note in his register) that for

Public
vaccinator
under ordi-
nary cir-
cumstances,
to vaccinate
only at pub-
lic stations;

some special reason, the person whom he purposes to vaccinate cannot properly be vaccinated at the station.

and not
oftener
than once
weekly;

2. Except under special authorisation from the Privy Council as aforesaid, or in so far as may be expedient at times when there is immediate danger of small-pox, vaccination under contract shall not be appointed to be performed at any station oftener than once a week.

and if in a
town dis-
trict, only at
one station
therein.

3. And in any future contract concerning a vaccination district which is partly or wholly within a town, there shall not, except under special authorisation as aforesaid, be appointed within the town more than a single station for the performance of the vaccinations of the district.

II. VACCINATION DISTRICTS IN TOWNS.

Limitation,
as regards
towns, on
the small-
ness of dis-
tricts for
vaccination.

No part of the Metropolis, or of any city, or municipal borough, or town corporate, or other town, shall, in respect of any future contract, form by itself, or with any rural place, a separate district for vaccination, except with the approval of the Privy Council, unless it contain an estimated population of at least 25,000 persons, or else be as much of the Metropolis, city, borough, or town, as is for purposes of vaccination under the control of one board of guardians.

III. OFFICE OF PUBLIC VACCINATOR.

Each dis-
trict to have
its own
public
vaccinator.

After the expiration of the month of June next, no two or more persons shall be allowed to act severally as vaccinators under contract in any one and the same part or district of any union or parish.

IV. REVACCINATION.

Extent to
which re-
vaccination
at public
expense may
be given.

The performance of revaccination by the public vaccinator on persons applying to him for that purpose shall be limited in each case by the following conditions:—(1) That, so far as the public vaccinator can ascertain, the applicant has attained the age of 15 years, or, if during any immediate danger of small-pox, the age of 12 years, and has not before been successfully revaccinated; and (2)

that, in the public vaccinator's judgment, the proposed revaccination is not for any sufficient medical reason undesirable; and (3) that the public vaccinator can afford vaccine lymph for the purpose without in any degree postponing the claims which are made on him for the performance of primary vaccination in his district.

(Signed) ARTHUR HELPS.

<p>All letters for the Privy Council relating to these Regulations should be addressed to The Medical Officer of the Privy Council, 8, Richmond Terrace, London, S. W.</p>
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APPENDIX (A).

6. *Regulations relating to Vaccination.*

*At the Council Chamber, Whitehall, the 1st day of
December, 1859.*

BY THE LORDS OF HER MAJESTY'S MOST HONOURABLE
PRIVY COUNCIL.

*To the Guardians of the Poor of all Unions and Parishes, to
the Churchwardens and Overseers of all Parishes, Townships,
and Places in which the Relief to the Poor is not administered
by Guardians, in England and Wales, and to all Medical
Practitioners.*

WHEREAS by the Public Health Act, 1858, and by an Act since passed to perpetuate the same, it is enacted that the Privy Council may from time to time issue such regulations as they think fit, for securing the due qualification of persons to be thereafter contracted with by guardians and overseers of unions and parishes in England for the vaccination of persons resident in such unions or parishes, and for securing the efficient performance of vaccination by the persons already or thereafter to be contracted with as aforesaid—

Now, therefore, it is hereby ordered, by the Lords and others of Her Majesty's most Honourable Privy Council (of whom the Vice-President of the Committee of the said Privy Council on Education is one), that on and after the 1st day of January, 1860, the following regulations shall be in force, viz.—

1. *Qualification of Contractors.*—Except where the Privy Council, for reasons brought to their notice, see fit in particular cases otherwise to allow, no person shall in future be admitted as a contractor for vaccination, unless he possess the same qualifications as are required by the Orders of the Poor Law Commissioners as qualifications for a district medical officer, and produce a special certificate,* given, under such conditions as the Privy Council from time to time fix, by some public vaccinator whom the Privy Council authorise to act for the purpose, and by whom he has been duly instructed or examined in the practice of vaccination and all that relates thereto;—

But the production of this special certificate on occasion of the contract being made may be dispensed with, if the certificate, or some other which the Privy Council judge to be of like

* As to these special certificates, see further, *post*, p. 94.

effect, have been among the certificates or testimonials necessary for obtaining any diploma, licence or degree, which the candidate possesses ;—

And also, in respect of persons legally admitted to practise before this regulation comes into effect, the special certificate may be dispensed with, on condition that the contract, during one year from its making, continue subject to the approval of the Poor Law Board ;—

And all persons now contracted with shall be deemed to be qualified to be again contracted with.

2. *Qualification of Deputies of Contractors.*—Under the same conditions as are appointed for the admission of a contractor, any person qualified to be a contractor may, on the contractor's application, be admitted by the guardians or overseers to act as his occasional deputy ;—

But, if this admission be not part of the original contract, it must be notified by indorsement upon the contract ; and, at least fifteen days before it is intended to take effect, a copy of the proposed indorsement, together with all requisite evidence of the qualification of the person whom it is proposed to admit, must be transmitted to the Poor Law Board.

3. *Vaccination and Inspection.*—All vaccinations and inspections under contract shall be performed by the contractor in person, or by some other contractor of the same union or parish acting for him, or by a deputy duly admitted as above ;—

But at any station where the contractor is authorised (as above) to grant certificates, pupils and other candidates, aged not less than eighteen years, may, in his presence and under his direction, take part in vaccinating.

All vaccinations and inspections under contract shall be performed in accordance with the annexed "Instructions for Vaccinators under Contract."

4. *Register of Cases.*—Until some new form of vaccination register be duly prescribed, the person who performs any vaccination under contract shall, on the day that he performs it, legibly write in his register (as now provided) the letter R (for revaccination) against the name of every person, adult or adolescent, who, having in early life been successfully vaccinated, is revaccinated ; and shall also enter in some column, or in the margin of the register, the source whence the lymph used in the vaccination was obtained, —

Thus : the name or number (if any) in the register, of the subject from whom the lymph was taken ; or N.V.E., if the lymph was sent by the National Vaccine Establishment ; or the name or description of any other source ;—

And where the vaccination or the inspection is done by a

person acting as deputy for the contractor, the deputy shall write the initials of his name in the register side by side with the entry of the case : viz., in the left margin of the page, if it be a vaccination which he performs, or in the right margin of the page, if it be an inspection which he performs.

5. *Contracts.*—Guardians and overseers, in their respective unions and parishes, shall forthwith take measures to bring the performance of public vaccination into conformity with these regulations.

WM. L. BATHURST.

(*Enclosure.*)

Instructions for Vaccinators under Contract.

(1). Except there be immediate danger of small-pox, vaccinate only subjects who are in good health. Satisfy yourself that there is not any eruption behind the ears, or elsewhere on the skin ; nor any febrile state, nor any irritation of the bowels. Under no circumstances vaccinate a subject to whom, from the state or prospects of his health, vaccination is likely to prove injurious. Do not revaccinate persons who in infancy have been efficiently vaccinated, unless they be more than fifteen years of age, or, if during any immediate danger of small-pox, more than twelve years of age.

(2). In all ordinary vaccinations, vaccinate by four or five separate punctures, so as to produce four or five separate good-sized vesicles ; or, if you vaccinate otherwise than by separate punctures, take care to produce local effects equal to those just mentioned.

(3). Direct care to be taken for keeping the vesicles uninjured during their progress, and for avoiding afterwards the premature removal of the crusts.

(4). Register the results of vaccination only after having yourself inspected the cases. Register as "successful" no case of primary vaccination, unless the course of the vesicle have been strictly regular according to the subjoined description A ; and register as "successful" no case of revaccination, unless either the regular vaccine vesicle have ensued, or the results have been normally modified according to the subjoined description B. Or if in either case you register as "successful" any result which does not agree with the subjoined descriptions,

write also the word "irregular" in the column of the register where you record the result.

(5). Endeavour to maintain in your district such a succession of cases as will enable you uniformly to vaccinate with liquid lymph directly from arm to arm; and do not, under ordinary circumstances, adopt any other method of vaccinating. To provide against emergencies, always have in reserve some stored lymph—either *dry*, as on thickly-charged ivory points, constantly well protected from the damp; or *liquid*, according to the method of Dr. Husband, of Edinburgh, in fine, short, uniformly capillary (not bulbed) tubes, hermetically sealed at both extremities. Lymph successfully preserved by either of these methods may be used without definite restriction as to time; but with all stored lymph caution is necessary, lest in time it have become inert or otherwise unfit for use. If, in order to vaccinate with recent liquid lymph, you convey it from case to case in a vial or in other like manner, without its being hermetically sealed, do not let more than eighteen hours, and in very hot weather not more than twelve hours, intervene before it is used.

(6). Consider yourself strictly responsible for the quality of whatever lymph you use or furnish for vaccination. Take lymph only from subjects who are in good health, especially satisfying yourself that they are free from eruptions on the skin. Take it only from well-characterised uninjured vesicles. Do not take it from cases of revaccination. Take it (as may be done in all regular cases on the day week after vaccination) at a time when the vesicles are plump, either just before the formation of the areola, or, at the latest, not more than twenty-four hours after the areola has begun to form.

(7). In vaccinating from arm to arm, and still more in proceeding to store lymph, avoid draining any vesicle that you puncture. From such a vesicle as vaccination by puncture commonly produces, do not, under ordinary circumstances, take more lymph than will suffice for the immediate vaccination of five subjects, or for the charging of seven ivory points, or for the filling of three capillary tubes; and from larger or smaller vesicles take only in like proportion to their size.

(8). Scrupulously observe in your inspections every sign which tests the efficiency and purity of your lymph. Note any case wherein the vaccine vesicle is unduly hastened or otherwise irregular in its development, or wherein any undue local irritation arises; and if similar results ensue in other cases vaccinated with the same lymph, desist at once from employing it.

(9). If from any cause your supply of lymph ceases, or becomes unsuitable for further use, take immediate measures for obtaining a new supply.

(10). Keep in good condition the lancets or other instruments which you use for vaccinating, and do not use them for other surgical operations.

N.B.—Supplies of lymph, guaranteed by the National Vaccine Board, are furnished on application to all medical practitioners. Letters of application for this lymph should be addressed "To the Registrar of the National Vaccine Establishment, Privy Council Office, London, S.W."

*Signs of Successful Vaccination and of Successful
Revaccination.*

(GREGORY, revised by CEELY and MARSON).

(A). "When vaccination has been successfully performed on a healthy infant, the puncture may be felt elevated on the second or third day, and soon afterwards, if examined with a magnifying glass, appears surrounded by a slight redness. On the fifth or sixth day a distinct vesicle is formed, having an elevated edge and depressed centre. On the eighth day it appears distended with a clear lymph. The vesicle on this, its day of greatest perfection, is circular and pearl-coloured; its margin is turgid, firm, shining, and wheel-shaped. Late on the seventh, or early on the eighth day, an inflamed ring or areola begins to form around the base of the vesicle, and with it continues to increase during the two following days. This areola is of a circular form, and its diameter extends from one to three inches. When at its height, on the ninth or tenth day, there is often considerable hardness and swelling of the subjacent cellular membrane. On the tenth or eleventh day the areola begins to subside, leaving, as it fades, two or three concentric circles of redness. The vesicle now begins to dry in the centre, and acquires there a brownish colour. The lymph which remains becomes opaque, and gradually concretes; so that about the fourteenth or fifteenth day the vesicle is converted into a hard round scab of a reddish brown colour. This scab contracts, dries, blackens, and about the twentieth day falls off. It leaves a cicatrix which commonly is permanent in after-life, circular, somewhat depressed, dotted or indented with minute pits, and, in some instances, radiated. The above described local changes, while in active progress, are attended by feverishness; first,

from the fifth to the seventh day, so slightly that often the fact passes unobserved, and again more considerably during those days when the areola is about its height; the infant now being restless and hot, with more or less disturbance of the stomach and bowels. About the same time, especially if the weather be hot, children of full habit not unfrequently show on the extremities, and less copiously on the trunk, a lichenous roseolar, or vesicular eruption, which commonly continues for about a week. When vaccination is performed on such adults or adolescents as have not previously been vaccinated, and likewise when lymph is employed which has recently been derived from the cow, the resulting phenomena, as compared with the preceding description, are somewhat retarded in their course; and the areola is apt to be much more diffuse. There is also more feverishness, but eruption is less frequently seen."

(B). "When persons who have once been efficiently vaccinated are, some years afterwards, revaccinated with effective lymph, there sometimes result vesicles which, as regards their course and that of the attendant areolæ, cannot be distinguished from the perfect results of primary vaccination. But far more usually the results are more or less modified by the influence of such previous vaccination. Often no true vesicles form, but merely papular elevations surrounded by areolæ; and these results having obtained their maximum on or before the fifth day, afterwards quickly decline. Or if vesicles form, their shape is apt to vary from that of the regular vesicle, and their course to be more rapid; so that their maturity is reached on or before the sixth day, their areolæ decline on or before the eighth day, and their scabbing begins correspondingly early. In either case the areolæ tend to diffuse themselves more widely and less regularly, and with more affection of the cellular membrane than in primary vaccination; and the local changes are accompanied by much itching, often by some irritation of the axillary glands, and in some cases on the fourth or fifth day by considerable febrile disturbance."

APPENDIX (A). No. 7.

EDUCATIONAL VACCINATING-STATIONS.

IN order to provide for the granting of those Special Certificates of Proficiency in Vaccination, which, under the Regulations of the Privy Council, are required to be part of the Medical Qualification for entering into Contracts for the performance of Public Vaccination, or for acting as Deputy to a Contractor, the following arrangements are made:—

- (1) the Vaccinating-Stations, enumerated in the subjoined list, are open, under conditions appointed by the Privy Council, for the purposes of teaching and examination;
- (2) The Public Vaccinators officiating at these Stations are authorized by the Privy Council to give the required Certificates of Proficiency in Vaccination to persons whom they have sufficiently instructed therein; and
- (3) The Public Vaccinators, whose Names in the subjoined list are printed in *italic letters*, are also authorized to give such Certificates, after satisfactory Examination, to persons whom they have not themselves instructed.

Cities and Towns having Educational Vaccinating-Stations.	Places used as Educational Vaccinating-Stations.	Public Vaccinators authorized to give Certificates of Proficiency in Vaccination.	Days and Hours of Attendance of the Public Vaccinators.
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LONDON	(PRINCIPAL STATION) Surrey Chapel, Blackfriars Road. (NORTH-WEST STATION) 13, Lisson Grove. (WEST STATION) 9, St. George's Road, Fimlico, S.W. (EAST STATION) 1, Well Street, Well- close Square. (NORTH STATION) Tottenham Court Chapel, Tottenham Court Road. (SOUTH-WEST STATION) 46, Marsham Street, Westminster, 13, Surrey Street, Strand Dispensary Public Vaccination Station, Peter St. Odd Fellows' Hall, Barnfyld Street ... 22, Burnantofts Street	<i>Mr. James Furness Marson</i> ... <i>Mr. James George Gerrans</i> ... <i>Dr. Edward Lowe Webb</i> ... <i>Mr. William Jones Lewis</i> ... <i>Mr. William Edwin Grindley Pearse</i> <i>Mr. William Edwin Grindley Pearse</i> <i>Mr. Robert William Dunn</i> ... <i>Dr. George Francis De la Cour</i> <i>Dr. Henry A. P. Robertson</i> ... <i>Mr. Charles H. Roper</i> ... <i>Mr. Frederick Holmes</i> ... <i>Mr. Arthur Broome Steele, Mr. John</i> <i>Henry Wilson, and Mr. John</i> <i>Fenton, acting conjointly, or at</i> <i>least two of them together</i> ... <i>Mr. Ellis Southern Guest</i> ... <i>Mr. George Cuthbert Gilchrist</i> ...	Tuesday, Thure- day; 1. Monday, Thure- day; 10. Monday; 10. Tuesday; 9. Monday, Wednes- day; 1. Monday, Thure- day; 10. Wednesday; 11. Thursday; 3. Tuesday; 3. } Friday; 2. Monday; 2. Tuesday; 2. Wednesday, Satur- day; 12. Monday; 12.
BIRMINGHAM ...			
BRISTOL			
EXETER			
LEEDS			
LIVERPOOL ...	The Ladies' Charity, Parr Street ...		
MANCHESTER...	159, Rochdale Road		
NEWCASTLE-ON- TYNE.	11, Pilgrim Street		
SHEFFIELD ...	The Royal Dispensary		
EDINBURGH ...	The Hall of the Faculty of Physicians and Surgeons.		
GLASGOW		<i>Dr. William Husband</i> ... <i>Dr. James Dunlop</i>	

By Direction of the Lords of the Council,

(signed) JOHN SIMON.

PRIVY COUNCIL OFFICE.

NOTE.—The Names and other Particulars of course change from time to time. The above are correct at the present time.—D.P.F. May 1869.

APPENDIX (A).¹8. *Circular of the Poor Law Board.*

POOR LAW BOARD,
WHITEHALL, S.W.,

20th February, 1869.

SIR,

THE Poor Law Board have received communications from the Lords of Her Majesty's Council, representing that unsatisfactory arrangements have been proposed to be made by the guardians of several unions, in reference to the attendances of the vaccinators at the different stations for the performance of vaccination. The Board, therefore, think it right to draw the attention of the guardians to the subject.

The Board are informed that it is of essential importance to the success and efficacy of the operation that vaccination should, as far as possible, be performed from arm to arm of the children, instead of by the means of preserved lymph. Under ordinary circumstances, the arm of a child on which the operation has been performed is, at the end of a week, in a state in which the lymph can be taken from it to vaccinate another child; and the Board further learn that the lymph used in vaccination should be carefully selected from the best formed vesicles upon the healthiest children. The best vaccination is, therefore, to be obtained when attendances are given at weekly intervals, and when the children brought to be vaccinated are met by a sufficient number of other children, vaccinated the week before, from whom some can be selected to furnish lymph.

In proceeding to make arrangements for these weekly attendances, it is essential for the guardians to consider whether the circumstances of the district to which a station is assigned are such as to permit of vaccination being performed there in every week of the year, or only in certain series of weeks. This generally is a question as to the number of children who may be brought for vaccination, which again is principally a question depending upon the amount of population. It is only in very populous districts that efficient vaccination can be maintained at weekly intervals throughout the whole year. The regulations of Her Majesty's Council provide that

no town shall be divided into districts for vaccination, unless each district contain a population of at least 25,000 persons; that there shall be only one station in each town district; and that vaccination shall not be performed oftener than once a week; and in towns sufficiently populous their Lordships think it desirable that a population of 40,000 or 50,000, or even more, should be assigned to each station. Stations which are appointed for such populations as these can doubtless maintain continuous weekly vaccination throughout the year.

But in the less populous districts of the country, the object of procuring arm to arm vaccination with due selection of lymph cannot be obtained, if weekly attendances throughout the whole year are appointed. The limit of population at which it becomes expedient to restrict attendances for vaccination to certain periods of the year will vary in different cases according to various circumstances; such as the amount of private vaccination performed in the district, and the frequency with which the district is exposed to chances of small-pox infection. But at all events it may be said that, when the district which can supply cases to any station has a smaller population than 10,000 persons, the guardians ought to consider whether the number of applicants for vaccination at that station will be such that weekly vaccination throughout the whole year ought to be attempted. In proportion as the population attached to a station falls below 10,000, so it will be found more and more probable that vaccination cannot be satisfactorily performed there at weekly intervals throughout the whole year.

When vaccination cannot be performed at weekly intervals throughout the year, it is recommended by the Lords of Her Majesty's Council that the attendances for vaccination should be given either quarterly (in January, April, July and October), or half-yearly (in April and October), for so many successive weeks as the circumstances of the district may seem to require. Section 12 of the Vaccination Act of 1867 permits guardians, with the consent of the Poor Law Board, to fix attendances in places with a scanty population at longer intervals than three months; and the Board will always be ready to consider any proposal submitted by the guardians to give effect, when required, to the provisions of this section.

The Board are also of opinion that, in districts in which there is more than one station, it may be desirable to arrange that so far as practicable the attendances at the several stations, instead of being appointed for different days in the same week, should be appointed for the same day in successive weeks, but at different hours, as for instance—

FOR VACCINATION.			FOR INSPECTION.		
At station A .	1st	{ Monday }	2nd	{ Monday }	
	2nd	{ in }		{ 3rd }	
	3rd	{ April . }		{ April. }	
At station B .	2nd	{ Monday }	3rd	{ Monday }	
	3rd	{ in }		{ 4th }	
	4th	{ April . }		{ 1st }	
At station C .	3rd	{ Monday }	4th	{ Monday in April. }	
	4th	{ in April . }		{ 1st }	
	1st	{ Do. in May }		{ 2nd }	
				{ Do. }	
				{ May. }	

By this means the vaccinator might take the lymph fresh from the arms of the children inspected at station A to vaccinate the children at station B, and so on.

The Board are not unaware of the difficulty which there may sometimes be on the part of parents in bringing their children to be vaccinated when the days for vaccination are few in the course of the year. To obviate this, as far as possible, care should be taken that, in addition to the printed notice, which the registrar of births and deaths is required by the 30 & 31 Vict. cap. 86, sec. 15, to give to every person registering a birth printed notices of the times and places at which the vaccinator will attend should be kept continually exposed at the places in each parish where parish notices are affixed.

The Board request that these observations may receive the consideration of the guardians, and that they will endeavour to make such arrangements for the union as may, at the same time that they promote the practice of vaccination and secure its performance in the most efficient manner, be also most convenient to the medical practitioner contracting for its performance.

The Board desire to add that persons living within two miles of a station cannot, under the regulations of Her Majesty's Council, be vaccinated by the public vaccinator elsewhere than at a station, "unless for some special reason" (to be noted in the vaccinator's register,) "the person whom the vaccinator proposes to vaccinate cannot properly be vaccinated at the station," but that persons residing at a greater distance than two miles from the station may, when circumstances require it, be vaccinated at their own homes.

In conclusion, the Board request that the guardians, before they proceed to enter into any new contracts for vaccination, will communicate with the Board as to any alterations which they may propose to make in the existing arrangements.

The Board will, on receipt of such information, transmit to the guardians a form in which the arrangements may be clearly set forth for the final decision of the Board before the contracts are executed.

I am, Sir, your obedient servant,
H. FLEMING, *Secretary.*

APPENDIX (B).

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3 & 4 VICT. c. 29.¹

An Act to extend the Practice of Vaccination.

[23rd July, 1840.]

Poor Law Guardians to contract with their medical officers, or other medical practitioners for vaccination.

I. WHEREAS it is expedient to extend the practice of Vaccination:² Be it therefore enacted, that from and after the passing of this Act it shall be lawful for the guardians of every parish or union,³ and for the overseers of every parish in which relief to the poor shall not be administered by guardians, in *England* and *Wales*, and they are hereby directed to contract⁴ with the medical officers of their several unions or parishes respectively, or with any legally qualified medical practitioner or practitioners,⁵ for the vaccination of all persons resident in such unions or parishes respectively:⁶ provided always, that it shall be a condition of every such contract that the

¹ With regard to the repeal of this Act, see 30 & 31 Vict. c. 84, s. 1, *ante*, p. 25.

² In a case which occurred in 1835, it was held that an overseer was not bound to take measures to cause the paupers of the parish to be vaccinated during the prevalence of the small-pox. In that case, the small-pox having broken out in the parish, an agreement was entered into with a medical man to vaccinate the paupers at 1s. 6d. per head. One of the overseers, a party to this agreement, subsequently refused to allow it to be carried into effect; and all the paupers in the parish afterwards caught the small-pox, and one of them died; but it did not appear that any of the paupers had either applied, or consented, to be vaccinated. The Court refused to grant a criminal information against the overseers; considering that it was no part of the duty imposed by law on overseers, to cause paupers to be vaccinated. *Anon.* 3 A. & E. 552; 5 N. & M. 12; 4 L. J. (N. S.) M. C. 112; 1 Lum. P. L. C. 41.

³ As to the meaning of the word "union," see the interpretation clause, s. 9, *post*.

⁴ See 16 & 17 Vict. c. 100, *post*; 21 & 22 Vict. c. 97, *post*, and 22 & 23 Vict. c. 3, *post*.

⁵ See 21 & 22 Vict. c. 97, s. 2, *post*; and the regulations of the Privy Council, Appendix (A), *ante*, p. 88. See also "the Medical Act," 21 & 22 Vict. c. 90.

⁶ It was considered that these terms required that each contractor for vaccination in a union should contract to vaccinate

amount of the remuneration⁷ to be received under the same shall depend on the number of persons who, not having been previously successfully vaccinated, shall be successfully vaccinated by such medical officers or practitioners respectively so contracting.⁸

II. And be it further enacted, that in making such arrangements as may be required for the execution of this Act, such guardians and overseers, and all other officers engaged in the administration of the laws for the relief of the poor, shall conform to the regulations which may from time to time be issued by the Poor Law Commissioners⁹ in that behalf, which regulations the said Commissioners are hereby authorised and required to make and issue.¹⁰

Guardians to conform to the regulations of the Poor Law Commissioners.

III. And be it further enacted, that such medical officers or practitioners shall make a report to such guardians or overseers from time to time of the number of persons successfully vaccinated by them respectively, and shall make such further report, with respect to the persons so vaccinated, as such guardians and overseers, under the direction of the Poor Law Commissioners,⁹ shall require.

Medical officers to report the number of persons vaccinated, etc.

IV. And be it enacted, that such guardians or overseers shall forthwith, after the conclusion of any such contract as before mentioned, transmit a copy thereof to the Poor Law Commissioners.⁹

Copies of contracts to be sent to Commissioners.

V. And be it enacted, that if such Commissioners⁹ shall not annul such contract within fourteen days from the receipt thereof, such contract shall thenceforth not be liable to be annulled by such Commissioners.¹¹

Annulling of contracts.

VI. And be it further enacted, that as soon as may be Guardians

all persons resident within the union, who might apply to him, and not merely those persons who might reside within a particular district.

⁷ As to the payment, out of the poor rates, see 4 & 5 Vict. c. 32, *post*.

⁸ See also 16 & 17 Vict. c. 100, s. 6, *post*.

⁹ See 10 & 11 Vict. c. 109.

¹⁰ As to the powers of the Privy Council, see 21 & 22 Vict. c. 97, *post*, and 22 & 23 Vict. c. 3, *post*; and as to the Registrar General, see 16 & 17 Vict. c. 100, s. 11, *post*, and 21 & 22 Vict. c. 25, s. 7, *post*.

¹¹ This appears to refer to the power given to the Poor Law Commissioners in the 4 & 5 Wm. iv. c. 76, s. 49, of declaring contracts entered into by boards of guardians void.

of Poor Law Unions in Ireland to divide their unions into districts, etc.

after the passing of this Act, the guardians of every Poor Law Union in *Ireland* shall (subject to the approbation of the Poor Law Commissioners) divide such union into districts of convenient extent, and may alter the same from time to time, subject to the like approbation, and shall (subject to such approbation as aforesaid) contract with competent medical practitioners for the period of one year, and so from year to year as such contract may expire, for the vaccination of all persons who may come to such medical practitioners for that purpose.¹

Previous provisions with respect to unions in England and Wales to apply to Ireland.

VII. And be it further enacted, that all the provisions hereinbefore made with respect to *England* and *Wales* for the making of reports of such medical officers or medical practitioners shall apply to all such contracts as may be made under this Act by the guardians of any Poor Law Union in *Ireland*; and such guardians, and all other officers engaged in the administration of relief to the destitute poor, shall conform to the regulations and instructions of the Poor Law Commissioners, in like manner as is hereinbefore directed with respect to guardians, overseers, and other officers in *England* and *Wales*.²

Persons inoculating or otherwise producing small-pox to be subject to one month's imprisonment.

VIII. And be it further enacted, that any person who shall, from and after the passing of this Act, produce or attempt to produce in any person, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or wilfully by any other means whatsoever produce the disease of small-pox in any person in *England*, *Wales*, or *Ireland*,³ shall be liable to be proceeded against and convicted summarily before any two or more justices of the peace in petty sessions assembled, and for every such offence shall, upon conviction, be imprisoned in the common gaol or house of correction for any term not exceeding one month.⁴

Interpretation of words.

IX. And be it further enacted, that every word in such part of this Act as refers to *England* and *Wales* shall be interpreted in like manner as such word is

¹ See 14 & 15 Vict. c. 68, s. 13; and Introduction, *ante*, p. 10.

² See note to s. 6, *supra*.

³ This enactment is not affected by 14 & 15 Vict. c. 68, s. 13; and appears to be still in force as regards Ireland.

⁴ It had been held to be an indictable offence unlawfully and injuriously to expose persons infected with the small-pox,

directed to be interpreted in an Act passed in the fourth and fifth year of his late Majesty king William the

whether produced by inoculation or otherwise, in the public streets, though inoculation was not itself an indictable offence; *R. v. Vantandillo*, 4 M. & S. 73; *R. v. Burnett*, *ib.* 272. In the first of these cases (in 1815), a mother was indicted for unlawfully and injuriously carrying her child, infected with the small-pox, along a public highway, in which persons were passing, and which was near to dwelling-houses; and Le Blanc, J., in passing sentence, said—"If a person, unlawfully, injuriously, and with full knowledge of the fact, exposes in a public highway a person infected with a contagious disorder, it is a common nuisance to all the subjects, and indictable as such." But he added that the Court did not pronounce that a person who inoculated for the small-pox was guilty of an offence, "provided it was done in a proper manner, and the patient was kept from the society of others, so as not to endanger a communication of the disease." In the second case (in the same year), an apothecary was indicted for unlawfully and injuriously inoculating children with the small-pox, and causing them, whilst suffering from it, to be carried along the public street; and he was held guilty on the latter charge, but not on the former. Lord Ellenborough, C.J., said—"Though inoculation for the small-pox may be practised lawfully and innocently, yet it must be under such guards as not to endanger the public health by communicating this infectious disease;" and Le Blanc, J., in passing sentence, observed—"That the introduction of vaccination did not render the the practice of inoculation for the small-pox unlawful; but that in all times it was unlawful, and an indictable offence, to expose persons infected with contagious disorders, and therefore liable to communicate them to the public, in a public place of resort." It had been previously held (in 1766 and 1767) not to be an indictable offence, to build or keep a house for inoculating for the small-pox (*R. v. Wilmer & Nicholls*; and *R. v. Sutton*, 2 Burr. 2116; 3 Atk. 750). The practice of inoculation, therefore, was for the first time rendered unlawful by the above enactment, passed in 1840—about 120 years after the introduction of the practice by Lady Mary Wortley Montague (see Introduction, *ante*, p. 13). The motives of that enactment are fully explained in the circular letter of the Poor Law Commissioners dated 20th August 1840 (see their Seventh Annual Report, p. 145; and their "Official Circular," vol. 1, p. 82), in which, after adverting to the evils of the small-pox, they observe—"For the prevention of these evils the means prescribed by the new statute are, first, the entire prohibition of inoculation with the small-pox; secondly, the general extension of vaccination." See also the "Papers relating to the History and Practice of Vaccination," 1857, pp. vii-xi.

4 & 5 Wm. IV. Fourth, intituled "*An Act for the Amendment and better Administration of the Laws relating to the Poor in Eng-*
c. 76.

In connexion with this subject, it may be well to advert to the provision in the Nuisances Removal and Diseases Prevention Act of 1860 (23 & 24 Vict. c. 77, s. 12) with regard to special carriages for the conveyance of infected persons. That provision is as follows:—

"XII. It shall be lawful for the local authority for executing the "Diseases Prevention Act" to provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any contagious or infectious disease, and to convey such sick and diseased persons as may be residing within such locality to any hospital or other place of destination, and the expense thereof shall be deemed to be an expense incurred in executing the said Act."

In their circular letter of 10 October 1860, relating to that Act, the Poor Law Board made the following remarks with respect to the above provision:—

"It is necessary now to refer to two enactments calculated to be of much use to many Boards of Guardians. The first is contained in section 12, which enables them, where they are the authorities for executing the Diseases Prevention Act, to provide and maintain suitable carriages for the conveyance of sick and diseased persons residing within their locality to any hospital or other place of destination. The expense thereof is to be deemed an expense incurred in executing the said Act, and consequently will be chargeable upon the common fund in unions. The Board think that the Legislature intended that this provision should not be limited to the period when the Boards of Guardians are called upon to exercise their duties for the prevention of diseases under an Order in Council, but that it should be of general application."

In 1866, further provision was made on the same subject by 29 & 30 Vict. c. 90, ss. 24 & 25, which are as follow:—

"XXIV. It shall be lawful at all times for the nuisance authority to provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any contagious or infectious disease, and to pay the expense of conveying any person therein to a hospital or place for the reception of the sick or to his own home."

"XXV. If any person suffering from any dangerous infectious disorder shall enter any public conveyance without previously notifying to the owner or driver thereof that he is so suffering, he shall on conviction thereof before any justice be liable to a penalty not exceeding five pounds, and shall also be ordered by such justice to pay to such owner and driver all the losses and expenses they may suffer in carrying into effect the provisions of this Act; and no owner or driver of any public conveyance shall be required to convey any person so

land and Wales;"⁶ and that every word used in such part of this Act as relates to *Ireland* shall be interpreted in like manner as such word is directed to be interpreted in an Act passed in the first and second year of the reign of Her present Majesty, intituled "*An Act for the more effectual Relief of the destitute Poor in Ireland.*"⁶ 1 & 2 Vict. c. 56.

4 & 5 VICT. c. 32.¹

AN Act to amend an Act to extend the Practice of Vaccination.

[21st June, 1841.]

I. WHEREAS an Act was passed in the fourth year of the reign of Her present Majesty, intituled "*An Act to extend the Practice of Vaccination;*" but no express provision was thereby made for defraying the expenses of carrying the same into execution; be it therefore declared and enacted, that it shall be and be deemed to have been lawful for the guardians of every parish or union in *England*² and *Ireland*,³ and the overseers of every parish in *England*,² by whom the contracts for vaccination may respectively be or have been made under the provisions of the said Act, to defray the expenses incident to the execution of the said Act out of any rates or monies which may

3 & 4 Vict. c. 29.
Expenses of vaccination to be defrayed out of the poor rates.

suffering until they shall have been first paid a sum sufficient to cover all such losses and expenses."

See also ss. 22, 23, and 26—30, of the last mentioned Act.

⁵ The provisions of that Act (4 & 5 Wm. iv. c. 76) are extended by the 5 & 6 Vict. c. 57, s. 18, to every rule, order, or regulation directed or authorised to be made by the Poor Law Commissioners under this Act. See also 7 & 8 Vict. c. 101, s. 74. With regard to the application of interpretation clauses, see the remarks of Lord Denman, C.J., in *Reg. v. Justices of Cambridgeshire* (7 A. & E. 491; 1 P. & D. 249), and of Lord Cottenham, L. C., in the *Attorney General v. the Corporation of Worcester* (15 L. J. (N. S.) ch. 398).

⁶ See Introduction, *ante*, p. 10.

¹ With regard to the repeal of this Act, see 30 & 31 Vict. c. 84, s. 1, *ante*, p. 25.

² *England* includes *Wales*: see 20 Geo. ii. c. 42, s. 3, which is not repealed by 43 Geo. iii. c. 161, s. 84.

³ See Introduction, *ante*, p. 10.

come or may have come into their hands respectively for the relief of the poor.¹

Vaccination
declared not
to be paro-
chial relief.

II. And be it further declared and enacted,² that the vaccination, or surgical or medical assistance incident to the vaccination, of any person resident in any union or parish, or of any of his family, under the said Act, shall not be considered to be parochial relief, alms, or charitable allowance to such person, and that no such person shall by reason of such vaccination or assistance be deprived of any right or privilege, or be subject to any disability or disqualification whatsoever.

¹ This clause removed a doubt which had been raised upon the former Act, as to whether the expenses of the vaccination could be paid for out of the poor rates; as to which see the Minute of the Poor Law Commissioners, dated 28th September 1840, in their Seventh Annual Report, p. 167, and in their "Official Circular," vol. 1, p. 124.

With regard to the mode of paying and charging the expenses, the Poor Law Commissioners, in a circular letter dated 17th September 1840 (see their Seventh Annual Report, 1841, p. 161, and their "Official Circular," 10th November 1840, p. 124), expressed their opinion that in the case of a union the common fund was not applicable to this purpose, but that the guardians should pay out of the separate funds, and charge to the separate account of each parish, the remuneration payable to the vaccinator, in respect of the successful vaccination of persons resident in such parish at the time of vaccination. This view was adopted by the Poor Law Board; and, it is believed, was invariably acted upon by the guardians of the several unions. It was not in any way affected by the subsequent statutes, which rendered the relief of irremovable and certain other paupers a charge upon the common fund, inasmuch as it is expressly declared by the present Act (see s. 2, *infra*) that vaccination is not relief. It is now, however, provided by the "Union Chargeability Act, 1865" (28 & 29 Vict. c. 79), which was passed on 29th June 1865, that all the charges incurred by the guardians of a union in respect of vaccination shall be charged upon the common fund (see *post*, p. 127).

² It had been considered by some authorities that gratuitous vaccination was a species of relief, though the Poor Law Commissioners expressed a contrary opinion. See their Minute, dated 25th September 1840, in their Seventh Annual Report, p. 166; and see also 1 *Official Circular*, p. 122.

16 & 17 VICT. c. 100.¹

An Act to extend and make Compulsory the Practice of Vaccination.

[20th August, 1853.]

WHEREAS an Act was passed in the fourth year of the reign of Her present Majesty, intituled "*An Act to extend the Practice of Vaccination*:" And whereas an Act was passed in the fifth year of the same reign, intituled "*An Act to amend an Act to extend the Practice of Vaccination*:" And whereas it is expedient that the practice of vaccination should be still further extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. Within six weeks after the passing of this Act the guardians of every parish or union, and the overseers of every parish in which relief to the poor shall not be administered by guardians, in *England and Wales*, shall, subject to the approval of the Poor Law Board, divide such parish or union, if need be, into convenient districts,² for the purpose of affording increased facilities for the vaccination of the poor,³ and shall appoint a conven-

Parishes or unions to be divided into districts for the purpose of vaccination, and places appointed for the performance of vaccination.

¹ With regard to the repeal of this Act, see 30 & 31 Vict. c. 84, s. 1, *ante*, p. 25.

² Although under this Act the vaccinator contracted to vaccinate in a particular district of the union, it was competent for him to vaccinate any person or child resident in the union, though not resident in his particular district, and to recover a fee from the guardians for such vaccination under the terms of his contract; but the Poor Law Board considered that it was not desirable that he should induce or encourage persons residing out of his district to come to him, or to bring their children to him for that purpose; and now see the enactment on this point in section 11 of the Act of 1867 (*ante*, p. 32).

³ Although the Act thus speaks of "increased facilities for the vaccination of the poor," its provisions are not confined to the poor, but extend to all classes, as appears clearly from the subsequent expressions "*all persons*," "*every child*," etc. By the 4 & 5 Vict. c. 32, s. 2 (*ante*), it is expressly declared that public vaccination is not to be regarded as parochial relief.

nient place in each such district for the performance of such vaccination,¹ and shall take the most effectual means for giving from time to time to all persons resident within such district due notice of the days and hours at which the medical officer or practitioner contracted with for such purpose will attend at such place to vaccinate all persons² not already successfully vaccinated who may then appear there, and also of the days and hours at which such medical officer or practitioner will attend at such place to inspect the progress of such vaccination in the persons so vaccinated.

Parents and
guardians of

II. The father or mother of every child³ born in *Eng-*

¹ This required that there should be a station in each district. The Poor Law Board expressed the opinion that the expense of the vaccination stations should be charged to the common fund of the union. And now, see also 28 & 29 Vict. c. 79, s. 1, *post*.

² According to the form of contract prescribed by the Poor Law Board, the vaccinator under this Act undertakes to vaccinate "every person resident in the union," who shall apply to or be brought to him for that purpose; and the guardians undertake to pay him "for every person so resident as aforesaid," who shall have been successfully vaccinated by him, and duly entered in his register. The Poor Law Board have expressed the opinion that, although the vaccinator is not bound to enter in the register the names of his private patients, yet, if in fact he do so, his right to be paid by the guardians for the successful vaccination of such patients is established by the contract. Every person, of whatever grade or condition in life, may take his child to the public vaccinator to be vaccinated; for the provisions of the Vaccination Acts are not confined to the poor, but extend to all classes of persons resident within the union. (See note (²) *ante*, p. 107). Moreover, there is no limitation as to age; for any person, of whatever age, may obtain the benefit of the public vaccination, although the compulsory provisions of s. 2 of this Act refer only to the vaccination of children. Nor did it appear to be material as regards the vaccinator's legal claim to the fee in accordance with the contract, whether the person vaccinated (whether child or adult) had or had not been previously vaccinated, provided that the operation, on the occasion in question, had been successful; but now express provision is made upon this point by sect. 8 of the Act of 1867 (*ante*, p. 31). See also the instructions of the Privy Council (Appendix A, *ante*, p. 90), as to the limitation of the age for vaccination, in a medical point of view.

³ See notes on s. 1, *supra*. An adult person may claim to be vaccinated, but cannot be legally compelled to undergo the operation.

land or Wales after the first day of August in the year of our Lord one thousand eight hundred and fifty-three, shall within three calendar months after the birth of the said child, or in the event of the death, illness, absence, or inability of the father and mother, then the person who shall have the care, nurture or custody of the said child, shall within four calendar months after the birth of such child take or cause to be taken the said child to the medical officer or practitioner appointed in the union or parish in which the said child is resident according to the provisions of the first-recited Act for the purpose of being vaccinated, unless he⁴ shall have been previously vaccinated by some duly qualified medical practitioner,⁵ and the vaccination duly certified, and the said medical officer or practitioner so appointed shall and he is hereby required thereupon, or as soon after as it may conveniently and properly be done, to vaccinate the said child.

children born after 1st August 1853 to have such children vaccinated within three or four months after birth.

III. Upon the eighth day⁶ following the day on which any child has been vaccinated as aforesaid, the father or mother, or other person having the care, nurture, or custody of the said child, shall again take or cause to be taken the said child to the medical officer or practitioner by whom the operation was performed, in order that such medical officer or practitioner may ascertain by inspection the result of such operation.

Children to be taken for inspection by medical officer on eighth day after the operation.

IV. Upon and immediately after the successful vaccination of any child the medical officer or practitioner who

Certificate of successful vaccination

⁴ There is no interpretation clause in this Act; but the 3 & 4 Vict. c. 29, is directed (s. 9) to be interpreted in the same manner as the 4 & 5 Wm. iv. c. 76; and no doubt the same rule will apply here. At all events, the word "he," as used in s. 2, must include a girl as well as a boy, having regard to the scope and tenor of the clause, as well as of the Act generally. See 13 Vict. c. 21, s. 4.

⁵ See note (⁵) *ante*, p. 100.

⁶ According to the strict wording of this clause, it would seem that, if the child be vaccinated on the first day of any month, the inspection should take place on the ninth day of that month; but according to medical practice it ought (apparently) to take place on the eighth day of the month. The interpretation given by the Registrar General to the language here employed is in conformity with the medical practice. In the directions for filling up the form of notice to be issued by Registrars, he states—"The day of vaccination is to be reckoned as one of the eight: therefore, if the child be vaccinated on a Monday, it must be taken to the medical officer for inspection on the Monday following."

to be delivered.

shall have performed the operation shall deliver to the father or mother of the said child, or to the person who shall have the care, nurture or custody of the said child, a certificate¹ under his hand, according to the form of schedule hereinafter inserted, marked (A), that the said child has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the registrar of births and deaths of the sub-district in which the operation was performed;² and such certificate¹ shall, without further proof, be admissible as evidence of the successful vaccination of such child in any information or complaint which shall be brought against the father or mother of the said child, or against the person who shall have had the care, nurture or custody of such child as aforesaid, for noncompliance with the provisions of this Act.³

If the child be not in a fit state for vaccination, the medical officer to deliver a certificate to that effect, to be in force for two months.

V. If any medical officer or practitioner shall be of opinion that any child is not in a fit and proper state to be successfully vaccinated, he shall thereupon and immediately deliver, without fee or reward, to the father or mother of such child, or the person having the care, nurture or custody of the said child, a certificate⁴ under his hand according to the form of schedule hereinafter inserted, marked (B), that the child is in an unfit state for successful vaccination, and such certificate⁴ shall remain in force for two calendar months from its delivery as aforesaid; and the father or mother of the said child, or the person having the care, nurture or custody of the said child, shall, unless they shall within each succeeding period of two months have obtained from a medical officer or practitioner, a renewal of such certificate,⁴ within two months next after the delivery of the said certificate as aforesaid, and if the said child be not vaccinated at or by the termination of such period of two months, then during each succeeding period of two calendar months until such child has been successfully vaccinated, take or cause to be taken to the said medical officer or practitioner such child

¹ See "the Medical Act," 21 & 22 Vict. c. 90, which enacts that "no certificate required by any Act now in force, or that may hereafter be passed, from any physician, surgeon, licentiate in medicine or surgery, or other medical practitioner, shall be valid, unless the person signing the same be registered under this Act."

² See s. 8, *post*; and s. 10, *post*, with note (*) thereon, *post*.

³ See s. 9, *post*.

⁴ See note (1) to s. 4, *supra*.

to be vaccinated by him; and if the said medical officer or practitioner deem the said child to be then in a fit and proper state for successful vaccination, he shall forthwith vaccinate it accordingly, and shall deliver to the father or mother of such child, or person having the care, nurture or custody of such child, a certificate⁵ under his hand according to the form of schedule hereinafter inserted, marked (A), that such child has been successfully vaccinated; but if the said medical officer or practitioner be of opinion that the child is still in an unfit state for successful vaccination, then he shall again deliver to the father or mother of such child, or person having the care nurture, or custody of the said child, a certificate,⁶ under his hand, according to the said form of schedule (B), that the child is still in an unfit state for successful vaccination; and the said medical officer or practitioner, so long as such child remains in an unfit state for vaccination, and unvaccinated, shall at the expiration of every succeeding period of two calendar months deliver, if required, to the said father or mother of such child, or person having the care, nurture or custody of such child, a fresh certificate,⁶ under his hand according to the said form of schedule; and the production of such certificate⁶ shall be a sufficient defence against any complaint which shall be brought against the said father and mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act.⁶

VI. In all contracts to be hereafter made under the provisions of the first-recited Act by any guardians or overseers of the poor with any medical officers or practitioners for the vaccination of the persons resident in their respective unions or parishes the sums contracted to be paid⁷ shall not be less than the following rates; that is to say, for every person⁸ successfully vaccinated at the residence⁹ of such medical officer or practitioner, or within

Rates of payment for vaccination in contracts by guardians or overseers.

⁵ See note (1) to s. 4, *supra*.

⁶ See s. 9, *post*.

⁷ The Poor Law Commissioners expressed the opinion that by the terms of 5 & 6 Vict. c. 57, s. 14, a public vaccinator in any union or parish would be disqualified by the receipt of the payments under his contract for serving as a guardian of such union or parish. ("Official Circular," 30 November, 1843, vol. 3, p. 148.)

⁸ See notes on s. 1, *ante*, pp. 107, 108.

⁹ The word 'residence' seems to be used here in its ordinary sense, as referring to the usual home, abode or dwelling of the

two miles therefrom by the nearest public road, a sum not less than one shilling and sixpence, and for every person¹ successfully vaccinated at any place more than two miles distant² from such residence³ any sum not less than two shillings and sixpence⁴.

Child's incapacity to receive the vaccine disease to be certified.

VII. In the event of any medical practitioner acting under the provisions of this Act being of opinion that any child that has been vaccinated by him is insusceptible of the vaccine disease, he shall deliver to the father or mother, or person having the care, nurture or custody of such child, a certificate⁵ under his hand according to the form of schedule hereinafter inserted marked (D); and the production of such certificate⁶ shall be a sufficient defence against any complaint which may be brought against the said father, mother, or person having the care, nurture or custody of such child, for noncompliance with the provisions of this Act.⁷

Registrars of births and deaths to keep a register of cases

VIII. The registrar of births and deaths in every sub-district in which the operation has been performed shall keep a register of the persons of whose successful vaccination a certificate shall have been transmitted to him as

medical man; and does not appear to include a surgery or other place at which he merely attends daily, or otherwise for the sole purpose of exercising his profession.

¹ See notes on s. 1, *ante*, pp. 107, 108.

² This distance is, of course, to be measured, as before, "by the nearest public road."

³ See note (*) to s. 6, *ante*, p. 111.

⁴ It may be convenient to notice here, that by the terms of the contract, according to the prescribed form, the payments are to be made at certain fixed periods, which are usually within a month after the ordinary quarter days; and it is important to bear in mind that if the payments are not promptly and punctually made, there may be a difficulty in recovering them, having regard to the provisions of 22 & 23 Vict. c. 49 (see *post*, p. 118). If the fees under the contract are payable quarterly, those for the quarter ending, say 29th September, will become due within one month afterwards, i.e., during the half-year ending at the following Lady-day; and if they are not paid during that half-year, or within three months after its termination, the guardians will not then be empowered to pay them without an order from the Poor Law Board. The vaccinators should, therefore, be careful to send in their accounts to the guardians at the end of every quarter, and apply for payment with promptitude.

⁵ See note (1) to s. 4, *ante*, p. 110.

⁶ See s. 9, *post*, p. 113.

above provided' by the said medical officer or practitioner, and shall at all reasonable times allow searches to be made of any such register book in his keeping, and shall give a copy, certified under his hand, of any entry or entries in the same, on payment of the fee of one shilling for each search, and sixpence for each certificate.

of successful vaccination, of which searches and extracts may be made.

IX. The registrar of births and deaths in every sub-district shall, on or within seven days after the registration of the birth of any child not already vaccinated within the said sub-district, give notice in writing in manner hereinafter directed, and according to the form of schedule hereinafter inserted, marked (C), to the father or mother of such child, or in the event of the death, illness, absence, or inability, from sickness or otherwise of the father and mother, then to the person upon whom the care, nurture or custody of such child shall have devolved, that it is the duty of such father or mother, or person having the care, nurture or custody of such child as aforesaid, to take care that the said child shall be vaccinated in the manner directed by this Act, and shall together therewith deliver to such person a notice of the days, hours, and places within the district of such registrar at which the medical officer or practitioner as hereinbefore provided will attend for the purpose of vaccination;⁷ and if after such notice the father or mother of the said child, or the person so having as aforesaid the care, nurture, or custody of the said child, shall not cause such child to be vaccinated, or shall not on the eighth day after the vaccination has been performed take or cause to be taken such child for inspection according to the provisions in this Act respectively contained, then such father⁸ or mother,⁹ or person having the care, nurture or custody of such child as aforesaid, so offending, shall forfeit a sum not exceeding twenty shillings.¹⁰

Notice to be given of the requirement of vaccination, and on failure of parent or guardian to comply therewith, penalty.

⁷ See s. 4, *ante*, p. 109. See also the instructional letters of the Registrar General, Appendix A, *ante*, pp. 62, 67.

⁸ See the instructional letters of the Registrar General, Appendix A, *ante*, pp. 62, 67.

⁹ The Poor Law Commissioners expressed the opinion that the guardians would not be justified in withholding relief from paupers having children who have not been vaccinated, as a means of compelling them to have their children vaccinated. "Official Circular," 1 July 1845, vol. 5, p. 112.

¹⁰ See 24 & 25 Vict. c. 59, *post*. It has been held under this statute that a parent cannot be convicted a second time for neglecting to have a child vaccinated: *Pilcher v. Stafford*, 33

Fee to registrar.

X. A fee of threepence shall be paid to such registrar for each child vaccinated in respect of which he shall have

L. J. (N. S.), M. C. 113; 9 L. T. (N. S.), 759. The following report of this case is taken from *Knight's Official Advertiser* (15 February 1864):—

COURT OF QUEEN'S BENCH.

January 27, 1864.

PILCHER (APPELLANT) v. STAFFORD (RESPONDENT).

This was a case stated for the opinion of the Court under the 20 & 21 Vict. c. 43. At a petty session held at Margate on the 25th of November 1863, an information was preferred by Charles Pilcher, registrar of births and deaths, and the person appointed by the guardians of the Isle of Thanet union, pursuant to the 24 & 25 Vict. c. 59, to institute proceedings for the purpose of enforcing obedience to the Vaccination Acts, against William G. Stafford, of Margate, shoemaker, alleging that he, being the father of a certain child called Albert Alfred Kennett Stafford, born on the 16th of July 1862, unlawfully did not, within three calendar months after the birth of the said child, take or cause to be taken the said child, which had not been previously vaccinated by a duly qualified medical practitioner, to one of the medical officers duly appointed in that behalf in Margate, for the purpose of being vaccinated according to the provisions of the Act 16 & 17 Vict. c. 100. At the hearing it was proved, that proper notice had been given to the respondent by the registrar, pursuant to the 9th section of the 16 & 17 Vict. c. 100, within seven days after the registration of the birth of the child, and that he had failed to have the child vaccinated within the three months allowed by section 2 of the Act; and it was admitted by him that the child had not even at the time of the hearing been vaccinated. The respondent then stated, and the fact was admitted by the appellant, that the respondent had already been previously convicted by certain justices, on the 18th of February 1863, upon a similar information laid by the said appellant against him, for not having the child vaccinated, and that he was then fined and subsequently paid 2s. 6d. for penalty, and 9s. 6d. for costs. He therefore contended that he could not again be punished for the same offence. In reply to this objection the appellant referred to the concluding words of the 24 & 25 Vict. c. 59, s. 2, viz. "and proceedings for enforcing penalties under any of the said Acts, on account of neglect to have a child vaccinated, may be taken at any time during which the parent or guardian is in default," and submitted that it was the manifest intention of the Legislature, by a series of Acts, to make vaccination compulsory, and that the words "at any time" must be construed to mean that a parent so in default might be convicted again and again, until he obeyed the directions of the statute; and he produced an opinion emanating from the vaccination depart-

performed the duties required in this Act;¹ and he shall keep a book,² to be provided as hereinafter directed,³ con-

Fee to registrar.

ment of the Privy Council in support of his view. The justices, however, held that the respondent having been previously convicted for the same offence, a second conviction could not take place, as the common law principle, that no man ought to be punished twice for one and the same offence, must prevail in the absence of any express legislative enactment to the contrary, and that the words "at any time" must be construed strictly, and are not sufficient to embrace the view contended for by the appellant, they appearing to be directed to the object of preventing the limitation of six months for proceeding summarily prescribed by Jervis's Act, 11 & 12 Vict. c. 43, which is incorporated in the Vaccination Act, commencing to run. The justices accordingly dismissed the information, but on application stated a case for the opinion of this Court.

Lord Chief Justice COCKBURN:—I think the magistrates were right in refusing to convict a second time. The Act requires that the registrar of births and deaths shall on or within seven days after the registration of the birth of any child give to the father or mother, or in the event of the death, illness, absence, or inability from sickness or otherwise of the father or mother, then to the person upon whom the care or custody of the child devolves, notice that the child must be vaccinated within the period prescribed by the Act, and if the child is not vaccinated within such period the offence is complete. There is no provision for a second notice by the registrar, and the Act does not meet the case of a continuance of the neglect. If any other construction were admissible, a new offence would be repeated every day that the child remained unvaccinated. The continuous omission may be as much within the mischief intended as the failure to have the child vaccinated within the prescribed time, but it certainly is not met by the statute. This, however, can only be remedied by fresh legislation. The judgment must be for the respondent. *Judgment accordingly.*

¹ It will be seen that this section does not apply to adults.

² The following remarks are extracted from *Knight's Official Advertiser* (15 October, 1864):—

"In the reports of the inspectors appointed by the Lords of the Privy Council to inquire into the arrangements for vaccination in England and Wales, attention is directed to the imperfect state of the registers of vaccination kept by the registrars. The statute of 16 & 17 Vict. c. 100, s. 4, it will be remembered requires every medical practitioner who successfully vaccinates a child to transmit a certificate of the vaccination to the registrar of the district in which the operation was performed, but it is alleged that in some districts the provisions of this statute are so generally disregarded by the medical practitioners, that the registers afford no reliable record of the cases of persons

³ See s. 11, *post*.

Fee to regis- taining a minute of his having duly given such notice as
trar. hereinbefore directed; and the said fee shall be payable in

vaccinated. This non-compliance on the part of medical men with the requirements of the Act not only renders the registers of vaccination almost useless, but entails a hardship upon the registrars, for although they are bound in the case of every child whose birth is registered, to enter the case in the vaccination register, and to give a notice of the necessity of vaccination to the father or mother of the child, or other person on whom the care of the child devolves, it is only in those cases in which they receive certificates of vaccination and successful vaccinations are recorded in the registers that they receive any remuneration for their services.

"Dr. Seaton and Dr. Buchanan, who instituted inquiries in the metropolis, state that, in consequence of the omission of almost all private vaccinators and some few public vaccinators to furnish the certificates prescribed by the statute, the registers of successful vaccinations fail to account for very large numbers of vaccinations that are actually performed for registered children. Ten only of 118 registrars in the metropolis had succeeded in registering the vaccination of more than one-half of the children born in their sub-districts. The proportion of certificates received in respect of children born in the sub-districts was usually one-third or one-fourth of the births. In some places it was as low as one-eighth or one-tenth, and an extreme instance may be cited of a registrar who had received a total (including children born in other sub-districts) of seven certificates for every thousand entries that he had laboriously made from his birth book in his vaccination register. Dr. Stevens, who instituted inquiries in Yorkshire, Lancashire, Cheshire, and Cumberland, states as follows:—'It is often the case that a registrar, owing to the neglect or opposition of medical practitioners, receives none or only a very small portion of his expected certificates. He then either works at a loss, usually the case, or he neglects his duties, and public vaccination in that district loses its best promoter. In the course of my inquiry I ascertained that the registrar for the populous district of Rotherham, in the Rotherham union, had made no entry in his register for two years, because, as he stated, he had received no certificates during that time. In one of the districts of the Warrington union the registrar, who had recently been appointed, produced a book in which had been made no entry whatever. He stated that his predecessor, who had held office for some years, had never kept a register at all. They had received no certificates. In the very populous district of Broughton, in the Salford union, the registrar had kept no register at all until just before the inspection, owing to the same cause. One of the registrars of the West Derby union had ceased to keep his register since 1857, and another since 1860, because they had received no certificates.'

the same manner as the fee now payable to such registrar ^{Fee to registrar.} for registering the birth of such child as aforesaid is paid.¹

XI. The Registrar General for *England and Wales*

"The provisions of the Act referred to in regard to the transmission to the registrars of certificates of vaccination are in some districts so persistently disregarded, that it becomes a question for the consideration of Boards of Guardians whether they should not take steps to enforce a compliance with the statute. Some twelvemonths since the Board of Guardians of the Cambridge union directed an indictment to be preferred at the then next assizes against a medical practitioner who refused to furnish the certificate required, and the result was that the defaulter by the advice of his counsel compromised the case by furnishing the certificate, and paid to the treasurer of the guardians five guineas towards the expense of the proceedings."

When the certificate is duly sent to the registrar, a difficulty as to his claim to the fee may sometimes be felt if the child was born and the birth registered and the notice of the necessity of vaccination given to the parents in one district, whilst the vaccination is performed and certified and registered in another district. Each of the registrars will have performed all the duties required of him, though neither will have performed all the duties required by the Act; and the question will arise, whether the fee of threepence is to be paid to each, or to neither (see 27 J. P., 708). The Poor Law Board have expressed their opinion that neither of the registrars will be entitled to the fee, as the statute makes no express provision for the payment in such a case, where the prescribed duties are performed partly by one registrar and partly by another. According to this view, the fee is only payable in those cases in which all the prescribed duties are performed by the same registrar.

¹ See the instructional letters of the Registrar General, Appendix A, *ante*. It is enacted by 6 & 7 Wm. iv. c. 86, s. 29:—"That every registrar shall make out an account four times in every year of the number of births and deaths which he shall have registered since the last quarterly account, and the superintendent-registrar shall verify and sign the same; and the guardians or overseers of the parish, township or place in or for which he shall be registrar, on production of the said account so verified and signed, shall pay to the said registrar out of the monies in their hands or power as such guardians or overseers such sum as he shall be entitled to receive on the said account; * * * and in the case of a union the said several sums shall be charged to the account of the parishes in which such births or deaths respectively shall have occurred."

It is a question which has not yet been satisfactorily determined, whether the registrar's account of the fees due to him, under 16 & 17 Vict. c. 100, s. 10, should be verified and signed by the superintendent-registrar before the guardians pay it. (See 27 J. P., 707; and "Official Circular," 1859, No. 58 (N.S.)

Registrar-general to provide books and forms for carrying out the provisions of this Act.

shall, and he is empowered and directed, within two months after the passing of this Act, to frame and provide such books, forms, and regulations, as he may deem requisite for carrying into full effect the provisions of this Act,¹ [and shall transmit the same to the superintendent-registrars of each district in England and Wales, who shall deliver to the medical officers so appointed as aforesaid, and other duly qualified medical practitioners in the said district, such of the said books, forms, and regulations, as they may require for the performance of the duties imposed upon them by this Act; and the expenses to be incurred by the Registrar General under the provisions of this Act shall be defrayed in the same manner as the expenses under the Act of the sixth and seventh years of King William the Fourth, chapter eighty-five.]²

Recovery of penalties.

XII. All penalties by this Act imposed shall be recoverable before any two justices of the peace for the county, city, borough or place where the offence may have been committed; and the provisions of the Act of the twelfth

p. 111.) If this duty is not cast on the superintendent-registrar, then the guardians should themselves examine the account before payment; and in doing so they will probably require the registrar to produce to them his registers and certificates.

The direction in 6 & 7 Wm. iv. c. 86, s. 29, making the fees a parochial charge, will be superseded by 28 & 29 Vict. c. 79, s. 1 (*post*, p. 127), which provides that, from and after 25th March 1866, all charges thenceforth incurred by the guardians of any union formed under 4 & 5 Wm. iv. c. 76, in respect of vaccination and registration fees and expenses, shall be charged upon the common fund.

As to the time within which the payment must be made, it is necessary to bear in mind the provisions of 22 & 23 Vict. c. 49, relating to the limitation of the period of payment "with respect to any debt, claim, or demand which may, after the passing of that Act [13 August 1859], be lawfully incurred by or become due from the guardians of any union or parish." If the guardians do not pay the demand during the half-year within which it becomes due, or within three months afterwards, they cannot subsequently do so without the authority of an order of the Poor Law Board, who, however, are not empowered to extend the period of payment beyond twelve months from "the date of such debt, claim, or demand." (See *Baker v. Billericay Union*, 9 Jur. (N. S.), 1201; 9 L. T. (N. S.), 486; 33 L. J. (N. S.). M. C. 40.)

¹ See instructional letters of the Registrar General, Appendix A, ante.

² The part within brackets was repealed, and another provision made by 21 Vict. c. 25, s. 7, *post*.

year of Her present Majesty, chapter forty-three, shall be applicable to the recovery of such penalties.³

XIII. All penalties recovered under this Act shall be applied in aid of the funds applicable to the relief of the poor in the parish or place maintaining its own poor wherein the offence may have been committed.³

SCHEDULES REFERRED TO BY THIS ACT.

SCHEDULE (A).⁴

I, the undersigned, hereby certify that the
child of aged of the parish
of in the county of has been
successfully vaccinated by me.

Dated this day of 18

(signed) A.B.

Surgeon of the union or parish (or other
medical practitioner, as the case may be).

SCHEDULE (B).⁵

I, the undersigned, hereby certify, that I am of opinion
that the child of of the parish
of in the county of aged
is not now in a fit and proper state to be successfully vacci-
nated, and I do hereby postpone the vaccination until the
day of

Dated this day of 18

(signed) A.B.

Surgeon of the union or parish (or other
medical practitioner, as the case may be).

³ See 24 & 25 Vict. c. 59, *post*.

⁴ See s. 4, *ante*, and s. 5, *ante*.

⁵ See s. 5, *ante*.

SCHEDULE (C).¹

I, the undersigned, hereby give you notice, and require you to have *C.D.* vaccinated within three (or four, *as the case may be, according to the second section of this Act,*) months after the birth, pursuant to the provisions and directions of the Act of the 16 Victoria, cap. . As witness my hand this day of 18

J.B.

Registrar of births and deaths for
the sub-district (*as the case may be*).

SCHEDULE (D).²

I, the undersigned, hereby certify that I am of opinion that the child of of the parish of in the county of is insusceptible of the vaccine disease.

Dated this day of 18

Signed, *A.B.*, surgeon of the union or parish of (*or other medical practitioner, as the case may be*).

21 VICT. c. 25.³

An Act to amend the Act concerning Non-parochial Registers, and the Acts for Marriages, and for registering Births, Deaths, and Marriages, in *England*, and concerning Vaccination.

[14th June, 1858.]

So much of
16 & 17 Vict.
c. 100, as
enacts that
vaccination
forms shall
be furnished

VII. And whereas by the Act of the session holden in the sixteenth and seventeenth years of Her Majesty, chapter one hundred,⁴ it was enacted, that the said Registrar General should within two months after the passing of that Act frame and provide such books, forms, and

¹ See s. 9, *ante*.

² See s. 7, *ante*.

³ With regard to the repeal of this enactment, see 30 & 31 Vict. c. 84, s. 1, *ante*, p. 25.

⁴ See 16 & 17 Vict. c. 100, s. 11, *ante*.

regulations, as he might deem requisite for carrying into full effect the provisions of that Act, and should transmit the same to the superintendent-registrars of each district in *England* and *Wales*, who should deliver to the medical officers appointed as in the said Act mentioned and other duly qualified medical practitioners in the said district, such of the books, forms, and regulations, as they might require for the performance of the duties imposed upon them by that Act, and the expenses to be incurred by the Registrar General under the provisions of that Act should be defrayed in the same manner as the expenses under the said Act of the sixth and seventh years of King William the Fourth, chapter eighty-five:

The said enactment, except so much thereof as directs the Registrar General to frame and provide such books, forms and regulations, as therein mentioned, shall be repealed; and the Registrar General shall transmit from time to time to the registrar of births and deaths in every sub-district such books, forms, and regulations, as may be requisite for the use of the medical officers appointed as in the said Act mentioned, and other duly qualified medical practitioners in the sub-district; and every such registrar shall deliver to such medical officers and practitioners respectively, without requiring payment for the same, such of the said books, forms, and regulations, as they may require for the performance of the duties imposed upon them by that Act.

to registrars
and delivered
by them to
medical
officers and
practitioners
repealed.

Registrars
to deliver
books, etc.
to medical
officers, etc.
without
requiring
payment for
the same.

21 & 22 VICT. c. 97.

An Act for vesting in the Privy Council certain Powers for the Protection of the Public Health.

[2nd August, 1858.]

WHEREAS under an Act of the last session of Parliament, chapter thirty-eight, the General Board of Health stands continued only until the first day of September one thousand eight hundred and fifty-eight: And whereas it is expedient to vest in the Privy Council certain powers now vested in the said General Board of Health, and certain other powers for the protection of the Public health: Be it therefore enacted by the Queen's most Excellent

20 & 21 Vict.
c. 38.

Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows:

Powers of General Board of Health under 18 & 19 Vict. c. 116, added to those of the Privy Council.

I. In addition to the powers vested in Her Majesty's most honourable Privy Council for the protection of the public health, all powers now vested in the General Board of Health under the "Diseases Prevention Act, 1855," shall, upon the discontinuance of the said Board, be vested in the said Privy Council, and the provisions of the said Act having reference to the General Board of Health and the regulations and directions issued by them, except section thirteen, shall be construed as referring to such Privy Council and the regulations and directions issued by them.

Certain powers in relation to public vaccination vested in Privy Council.

II. ¹The Privy Council may from time to time issue such regulations as they think fit for securing the due qualification of persons to be hereafter contracted with by guardians and overseers of unions and parishes in *England*² for the vaccination of persons resident in such unions and parishes, and for securing the efficient performance of vaccination by the persons already or hereafter to be contracted with as aforesaid;³ and any money from time to time provided by Parliament for or towards defraying the expenses of the National Vaccine Establishment, or otherwise providing for the supply of vaccine lymph, shall be applied under the directions of the Privy Council.

Privy Council may direct inquiries.

III. The Privy Council may from time to time cause to be made such inquiries as they see fit in relation to any matters concerning the public health in any place or places, and to the observance of the regulations and directions issued by them under this Act.

Privy Council to appoint medical officer, etc.

IV. The powers of appointing and removing a medical officer, vested in the General Board of Health under the General Board of Health Continuance Act, 1855, shall, upon the discontinuance of that Board, be vested in the Privy Council; and the person who at the time of the

¹ With regard to the repeal of this section, see 30 & 31 Vict. c. 84, s. 1, *ante*, p. 25.

² This includes *Wales*: see note (¹), *ante*, p. 105.

³ On 14th March 1859, the Privy Council issued regulations on this subject, which, however, have been superseded by the subsequent regulations issued on 1st December 1859. It is important to notice this, as the latter regulations do not allude to the former. (See Appendix A, *ante*, p. 88; see also the *London Gazette*, Supplement, Tuesday, 6th December 1859).

cesser of the General Board of Health may be their medical officer shall become the medical officer of the Privy Council subject to such power of removal as aforesaid; and the Privy Council may also from time to time employ such other persons as they may deem necessary for the purposes of this Act; and there shall be paid to the medical officer such salary not exceeding fifteen hundred pounds per annum, and to such other persons such remuneration and allowances as the Commissioners of Her Majesty's Treasury may direct; and such salary, remuneration, and allowances, shall be paid out of such monies as shall be provided by Parliament.

V. The medical officer shall from time to time report to the Privy Council in relation to any matters concerning the public health or such matters as may be referred to him for that purpose, and shall, on or before the month of *March* in each year, report to the Privy Council the proceedings had and taken under this Act during the preceding year ending on the the thirty-first day of *December*.

Medical officer to report annually as to the execution of this Act.

VI. The annual report made by the medical officer as aforesaid shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be sitting, and if not, then within fourteen days after the next meeting of Parliament, together with all other reports made by him under this Act, during the period to which such annual report relates.

Reports to be laid before Parliament.

VII. All powers vested in the Privy Council by this Act may be exercised by any three or more of the Lords and others of the Privy Council, the Vice-President of the Committee of the said Privy Council on Education being one of them, and all orders, regulations, directions, and acts of the Privy Council under this Act, shall be sufficiently made or signified by a written or printed document, signed by one of the clerks of the Privy Council, or such officer as may be appointed by the Privy Council in this behalf; and all orders, regulations, directions, and acts made or signified by any written or printed document purporting to be so signed, shall be deemed to have been duly made, issued, and done by the Privy Council, and every such document shall be received in evidence in all courts and before all justices and others without proof of the authority or signature of such clerk or other officer, or other proof whatsoever, until it be shown that such document was not duly signed by the authority of the Privy Council.¹

As to the making and authentication of orders, etc.

¹ See 30 & 31 Vict. c. 84, s. 36, *ante*, p. 45.

Proceedings
for penalties
under Vac-
cination
Acts.

VIII. [*Proceedings for penalties under the Acts for the time being in force on the subject of vaccination may be taken on the complaint of any registrar employed for the registration of births, deaths and marriages, public vaccinator or officer authorised by the Board of Guardians or by the Overseers respectively, and the cost of such proceedings shall be defrayed out of the common fund of the union or out of the poor rates of any parish not included in a union.*]¹

Short title
and continu-
ance of Act.

IX. This Act may be cited as "The Public Health Act, 1858," and shall be in force only until the first day of *August* one thousand eight hundred and fifty-nine.²

22 & 23 VICT. c. 3.

An Act to amend and make Perpetual "The Public Health Act, 1858."

[*1st August, 1859.*

21 & 22 Vict.
c. 97.

WHEREAS an Act was passed in the session holden in the twenty-first and twenty-second years of Her Majesty, (chapter ninety-seven,) "for vesting in the Privy Council certain powers for the Protection of the Public Health," which Act was to be in force only until the first day of *August* one thousand eight hundred and fifty-nine; and it is expedient that section eight of the said Act should be repealed, and that, except such section, the said Act should be made perpetual: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Act made
perpetual
except s. 8.

Section eight of the said Act shall be repealed,³ and except the said section, the said Act shall be and the same is hereby made perpetual.⁴

¹ Repealed by 22 & 23 Vict. c. 3, *post.* But see also the subsequent Act, 24 & 25 Vict. c. 59, *post.*

² See 22 & 23 Vict. c. 3, *post.*

³ But see the subsequent Act, 24 & 25 Vict. c. 59, *post.*

⁴ See 21 & 22 Vict. c. 97, *ante.*

24 & 25 VICT. c. 59.¹An Act to facilitate Proceedings before Justices
under the Acts relating to Vaccination.

[1st August, 1861.]

WHEREAS it is expedient to make further provisions in relation to proceedings before Justices under the following Acts; that is to say,—

An Act passed in the session holden in the third and 3 & 4 Vict. fourth years of the reign of Her present Majesty, c. 29. chapter twenty-nine, intituled—*An Act to extend the Practice of Vaccination* :

An Act passed in the session holden in the fourth and 4 & 5 Vict. fifth years of the reign of Her present Majesty, c. 32. chapter thirty-two, intituled—*An Act to amend an Act to extend the Practice of Vaccination* :

An Act passed in the session holden in the sixteenth 16 & 17 Vict. and seventeenth years of the reign of Her present c. 100. Majesty, chapter one hundred, intituled—*An Act further to extend and make Compulsory the Practice of Vaccination* :²

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

I. This Act may be cited for all purposes as "The Short title. Vaccination Acts Amendment Act, 1861."

II. The guardians of any union or parish, or the overseers of any parish where the relief to the poor is not administered by guardians, may appoint some person As to institution of legal proceedings and

¹ With regard to the repeal of this Act, see 30 & 31 Vict. c. 84, s. 1, *ante*, p. 25.

² See also 21 & 22 Vict. c. 97, s. 8, *ante*, which was repealed by 22 & 23 Vict. c. 3, *ante*, as well as the "Official Circular," 2 February 1856, vol. 6, p. 30.

³ The guardians were not empowered by this Act to pay any salary or other remuneration to the person so appointed.

payment of
expenses of
the same.

to institute and conduct proceedings for the purpose of enforcing obedience to the said Acts, or any of them, within their union or parish; and as to all expenses incurred by any person so appointed, or by any registrar of births and deaths, or by any medical officer of health appointed under an Act of Parliament, in proceedings for enforcing penalties under the said Acts, or any of them, if the justices or court before whom such proceedings are had certify that such expenses ought to be allowed, such court or justices shall ascertain the amount thereof,¹ and such amount shall be payable out of the rates for the relief of the poor of the parish where the person for the time being dwells in respect of whose default or offence the same were instituted;² and the court or justices shall ascertain the amount of such expenses.¹ And proceedings for enforcing penalties under any of the said Acts, on account of neglect to have a child vaccinated, may be taken at any time during which the parent or guardian is in default.³

¹ It will be seen that there is a repetition here.

² It will be observed that the costs were to be charged to the parish of the offender's residence, and not to the common fund of the union, where the parish was within a union.

³ See *Pülcher v. Stafford*, 33 L. J. (N.S.), M. C. 113; 9 L. T. (N.S.), 759; and *ante*, p. 114.

28 & 29 VICT. c. 79.

An Act to provide for the better Distribution of the Charge for the Relief of the Poor in Unions.

[29th June, 1865.]

WHEREAS it is expedient to make provision for the better distribution of the charge for the relief of the poor in unions than is by law now established: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. From and after the twenty-fifth day of *March* one thousand eight hundred and sixty-six, so much of the twenty-sixth section of the fourth and fifth William the Fourth, chapter seventy-six, as requires that each of the parishes in a union formed under the authority of that Act shall be separately chargeable with and liable to defray the expense of its own poor, whether relieved in or out of the workhouse of such union, shall be repealed; and all the cost of the relief of the poor, and the expenses of the burial of the dead body of any poor person under the direction of the guardians, or any of their officers duly authorised, in such union thenceforth incurred, and all charges thenceforth incurred by the guardians of such union in respect of vaccination¹ and registration¹ fees and expenses, shall be charged upon the common fund thereof.

So much of sect. 26 of 4 & 5 W. iv. c. 76, as requires parishes in unions to defray expenses of their own poor repealed; and expenses thenceforth incurred to be charged to the common fund.

XVI. The words herein used shall be interpreted in the manner prescribed by the statute of the fourth and fifth years of William the Fourth, chapter seventy-six, and the subsequent Acts amending or explaining the same,

Interpretation of terms

¹ See 4 & 5 Vict. c. 32, and the notes thereon, *ante*, pp. 105, 106; see also 16 & 17 Vict. c. 100, s. 10, and the notes thereon, *ante*, pp. 114–117. And see further, 30 & 31 Vict. c. 84, s. 26, *ante*, p. 40.

and the provisions in such Acts which apply to poor persons rendered chargeable upon the common fund by reason of their having become irremovable through the operation of the statutes in that behalf shall apply to all the poor in the union hereby rendered chargeable upon the common fund.

Short title. **XVII.** This Act may be cited as "The Union Chargeability Act, 1865."

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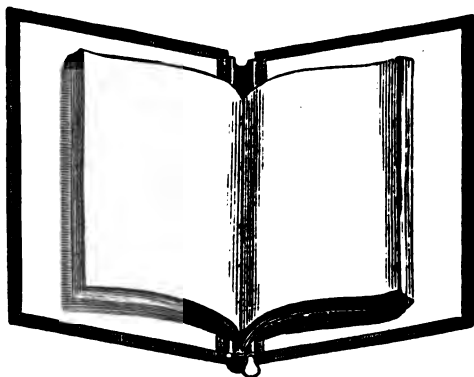
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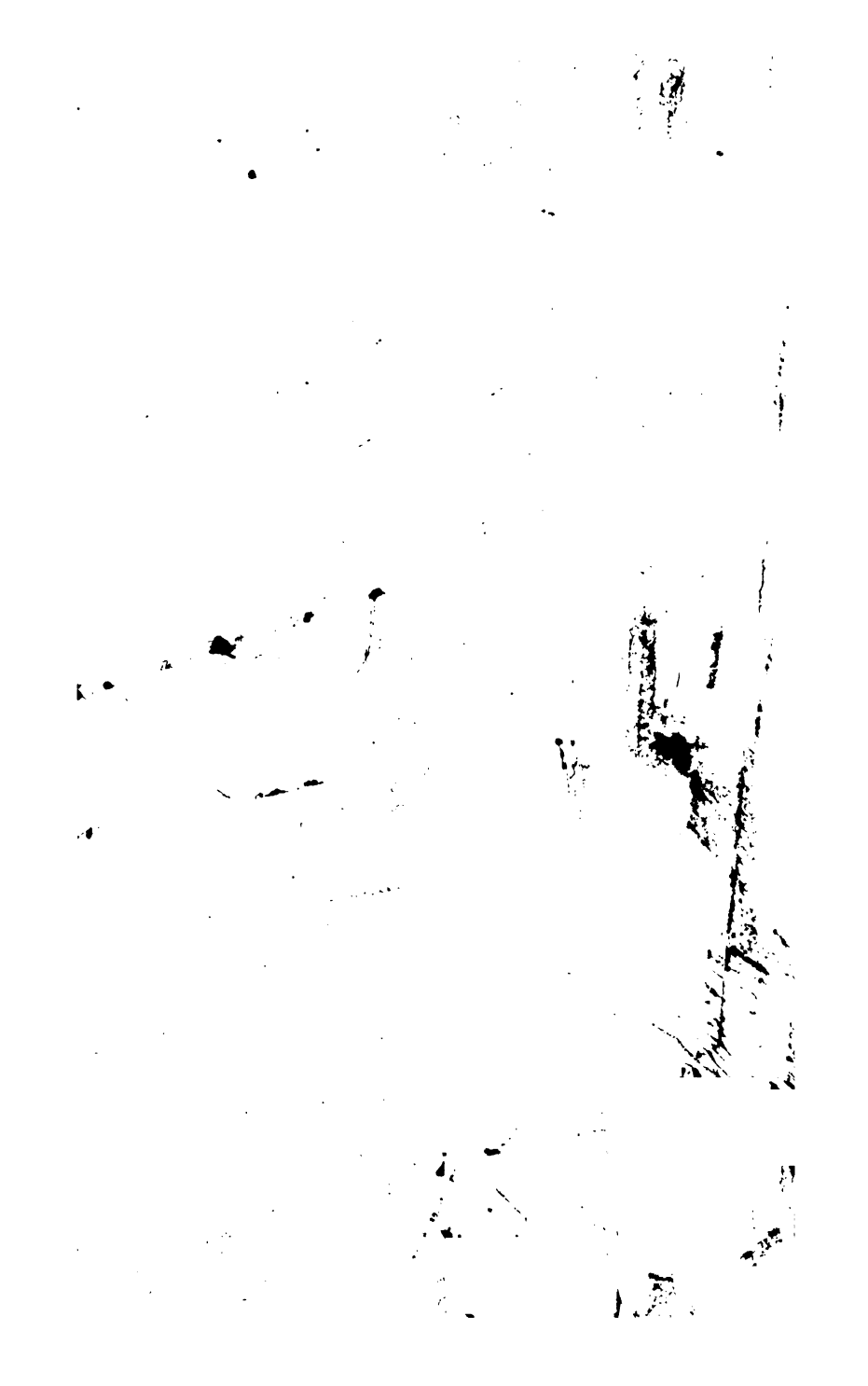
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